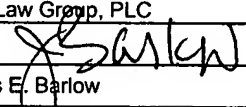


IFW

TRANSMITTAL FORM (to be used for all correspondence after initial filing) MAY 09 2006 PATENT & TRADEMARK OFFICE	Application Number	10/773,142
	Filing Date	2/9/2004
	First Named Inventor	NAKAJIMA
	Art Unit	3634
	Examiner Name	Strimbu
Total Number of Pages in This Submission	Attorney Docket Number	26GT-004-DIV2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Copy of Petition to Withdraw Abandonment filed on 9 Mar. 2006 <input type="checkbox"/> Copy of Amendment filed on 12 Oct. 2006
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Posz Law Group, PLC		
Signature			
Printed name	James E. Barlow		
Date	9 May 2006	Reg. No.	32,377

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NAKAJIMA et al.	Atty. Dkt.: 26GT-004-DIV2
Serial No.: 10/773,142	Art Unit: 3634
Filed: 2/9/2004	Examiner: Strimbu
Title: WEATHER STRIP	

Mail Stop Petition
Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

Date: 9 May 2006

SUPPLEMENTAL PETITION TO WITHDRAW ABANDONMENT

Sir:

On 12 October 2005, the applicants filed a response to the office action of 12 July 2005. On 1 March 2006, the applicants received a Notice of Abandonment for failure to respond to the office action of 12 July 2005. Since a timely response to the office action of 12 July 2005 was filed, the applicants respectfully request withdrawal of the holding of abandonment.

A Petition to Withdraw Abandonment was filed on 9 March 2006. A copy of the Petition to Withdraw Abandonment is attached. Also, a copy of the response of 12 October 2005 is attached.

The applicants discovered on 4 May 2006 that the serial numbers that appeared on the response of 12 October 2005 and on the Petition of 9 March 2006 were wrong. A typographical error occurred on both papers. Instead of "10/773,142," which is correct, the serial number that appeared on these papers was "10/733,142." However, the remaining identifying information on the papers was correct. The serial numbers have been corrected with a pen on the attached

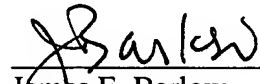
copies of the response filed on 12 October 2005 and on the Petition of 9 March 2006 and all attachments.

The applicants now understand that the typographical error in the serial numbers was likely the cause of the abandonment and is the reason that neither paper appears in the public PAIR file of this application. The typographical error had not been discovered when the Petition to Withdraw Abandonment was filed. This paper is to point out the typographical error.

For the reasons given here and in the attached Petition to Withdrawn Abandonment, the applicants respectfully request that the abandonment of this application be withdrawn and that the attached amendment of 12 October 2005 be considered.

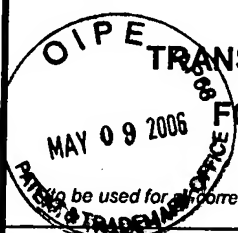
If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

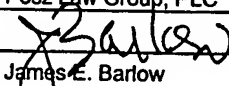


James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400

 <p>to be used for correspondence after initial filing)</p>	Application Number	40/733,142 — 10/773,142
	Filing Date	2/9/2004
	First Named Inventor	NAKAJIMA
	Art Unit	3634
	Examiner Name	Strimbu
Total Number of Pages in This Submission	Attorney Docket Number	26GT-004-DIV2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Under 1.8(b) Copy of Amendment filed on 12 Oct. 2005 Copy of Bank Statement Copy of Return Receipt Postcard
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Posz Law Group, PLC		
Signature			
Printed name	James E. Barlow		
Date	9 March 2006	Reg. No.	32,377

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	



Applicants: NAKAJIMA et al.

Atty. Dkt.: 26GT-004-DIV2

~~Serial No.: 10/733,142~~ 10/773,142

Art Unit: 3634

Filed: 2/9/2004

Examiner: Strimbu

Title: WEATHER STRIP

Mail Stop Petition
Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

Date: 9 March 2006

PETITION TO WITHDRAW ABANDONMENT UNDER 37 CFR 1.181

Sir:

On 12 October 2005, the applicants filed a response to the office action of 12 July 2005. On 1 March 2006, the applicants received a Notice of Abandonment for failure to respond to the office action of 12 July 2005. Since a timely response to the office action of 12 July 2005 was filed, the applicants respectfully request withdrawal of the holding of abandonment. A Statement under 37 CFR 1.8(b) is attached to this paper.


With the Amendment mailed on 12 October 2005, the applicants included a check for \$130 for a Terminal Disclaimer. The number of the check was 1299. The attached bank statement shows that check 1299 for \$130 was cashed by the USPTO. Therefore, the Amendment was received by the USPTO, but apparently not scanned into the PAIR system.

A return receipt postcard was submitted with the Amendment of 12 October 2005. That postcard was returned to the Posz Law Group, PLC by the USPTO with a date stamp of 13 October 2005. A copy of the return receipt postcard is attached.

For the reasons given here and in the attached Statement Under Rule 1.8(b), the applicants respectfully request that the holding of abandonment be withdrawn and that the examination of this application be resumed.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NAKAJIMA et al.

Atty. Dkt.: 26GT-004-DIV2

Serial No.: ~~10/733,142~~ 10/773,142

Art Unit: 3634

Filed: 2/9/2004

Examiner: Strimbu

Title: WEATHER STRIP

Mail Stop Petition
Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

Date: 9 March 2006

STATEMENT UNDER 37 CFR 1.8(b)

Sir:

Pursuant to 37 CFR 1.8(a), the undersigned states that the attached Amendment was filed in a timely manner in response to the Office Action dated 12 July 2005. Specifically, the Amendment was addressed to the Commissioner for Patents and was deposited with the U.S. Postal Service as first class mail with sufficient postage.

Pursuant to 37 CFR 1.8(b)(1), the undersigned states that the USPTO was informed promptly after becoming aware that the USPTO had no evidence of receipt of the correspondence. The undersigned became aware that the patent office had not received the attached amendment on approximately 1 March 2006, when a Notice of Abandonment was received from the USPTO. On or about 1 March 2006, the undersigned called Examiner Strimbu and notified him of the Amendment. The USPTO is also being informed promptly by this paper.


Pursuant to 37 CFR 1.8(b)(2), a copy of the Amendment that was mailed to the USPTO on 12 October 2005 is attached.

Pursuant to 37 CFR 1.8(b)(3), the undersigned attests that he has personal knowledge that the above Amendment was indeed mailed in a timely manner on 12 October 2005 with sufficient postage. The certificate of mailing on page 1 of the Amendment is evidence of the timely mailing.

As the requirements of 37 CFR 1.8(b) have been satisfied, it is respectfully requested that the Amendment filed on 12 October 2005 be entered into the record, and that examination of the present application be resumed subsequent to entry of the Amendment.

Although no fees are thought to be due at this time, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400

Copy of Return Receipt Post Card



Applicant: NAKAJIMA et al.
Filing Date: 2/9/2004
Title: WEATHER STRIP

Serial No.: 10/733,142
Atty Dkt.: 26GT-004-DIV2

DKT/IN
✓

Please acknowledge receipt of the following by date stamping this card and returning to Posz Law Group, PLC.:

- Transmittal form;
- Fee transmittal form (2 copies);
- Terminal Disclaimer;
- 30 pages of Replacement Drawing sheets;
- Check for \$130; and
- ~~15~~ 18-page Amendment

SUBMISSION DATE: 12 October 2005



Bank Statement of Posz Law Group, PLC

Access National Bank

1800 Robert Fulton Drive
Reston, Virginia 20191

PAGE
6

Posz Law Group PLC
12040 South Lakes Drive, Suite 101
Reston VA 20191

Statement Date: 10-31-2005

Account Number: 2665990

Access Commercial Checking - 2665990 CONTINUED

Date	Description	Checks/ Debits	Deposits/ Credits	Balance
10-19	1338 Check	75,000.00		147,715.84
10-20	1321 Check	25.00		147,690.84
10-20	1324 Check	120.00		147,570.84
10-20	1299 Check	130.00		147,440.84
10-20	1304 Check	281.00		147,159.84
10-20	1326 Check	300.00		146,859.84
10-20	1310 Check	1,040.00		145,819.84
10-20	1311 Check	1,040.00		144,779.84
10-20	1296 Check	1,040.00		143,739.84
10-20	1307 Check	1,040.00		142,699.84
10-20	1323 Check	1,040.00		141,659.84
10-20	1322 Check	1,200.00		140,459.84
10-20	1319 Check	1,530.00		138,929.84
10-20	1318 Check	1,700.00		137,229.84
10-20	1313 Check	1,700.00		135,529.84
10-20	1314 Check	1,700.00		133,829.84
10-20	1315 Check	1,700.00		132,129.84
10-20	1316 Check	1,700.00		130,429.84
10-20	1317 Check	1,700.00		128,729.84
10-20	1297 Check	2,440.00		126,289.84
10-21	Incoming Domestic Wire Transfer FROM WINTER BRANDS R. RNL H. BNER ROE		385.00	126,624.84
10-21	Outgoing Int. Wire Transfer WIRE TO ACCTG PATENT & TRADEMARK LAW OFFICE	462.60		126,162.24
10-21	Outgoing Int. Wire Transfer WIRE TO D YOUNG & CO	696.79		125,465.45
10-21	Outgoing Int. Wire Transfer WIRE TO ONDA TECHNO INTL. PATENT ATTYS	712.90		124,752.55
10-21	Outgoing Int. Wire Transfer WIRE TO D YOUNG & CO WIRE TO D YOUNG & CO		696.79	125,449.34
10-21	Outgoing Int. Wire Transfer WIRE TO D YOUNG & CO	716.04		124,733.30
10-21	Outgoing Int. Wire Transfer WIRE TO ONDA TECHNO INTL PATENT ATTYS		712.90	125,446.20

2665990

10/31/2005

PAGE 23

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10/31/2005

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0520-0027-B
ENT-0297 TRC-2400 MK-02

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1,040.00

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2,440.00

SECRET

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10/20/2005

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EO-0027-B
75638300 75638300 75638300

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10/20/2005

130.00

Applicant: NAKAJIMA et al.
Filing Date: 2/9/2004
Title: WEATHER STRIP

Serial No.: 10/733,142
Atty Dkt.: 26GT-004-DIV2

Please acknowledge receipt of the following by date stamping this card and returning to Posz Law Group, PLC.:

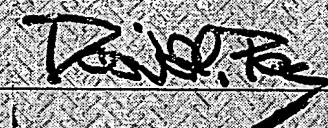
- Transmittal form;
- Fee transmittal form (2 copies);
- Terminal Disclaimer;
- 30 pages of Replacement Drawing sheets;
- Check for \$130; and
- ~~1518~~ 1518-page Amendment

SUBMISSION DATE: 12 October 2005

DATE : Oct 11/2005
 CHE # : 1299
 AMOUNT: \$130.00
 ACCOUNT: GENERAL - 7
 PAID TO: Commissioner for Patents

[26GT-004-DIV2] PTO Statutory Disclaimer Fee

CLIENT: MATSU - Mr. H. Matsubara MATSUBARA PATENT FIRM
 MATTER: MATSUBARA

POSZ LAW GROUP, PLC OPERATING ACCOUNT 12040 SOUTH LAKES DRIVE, STE. 101 RESTON, VA 20191		06/05	ACCESS NATIONAL BANK.COM PROGRESSIVE BUSINESS BANKING RESTON, VA 20191	1299	1299
One Hundred Thirty *****		CHECK NO.	88-903/560 02	00/100	
Commissioner for Patents		Oct 11/2005 DATE	\$130.00 AMOUNT		
PAY TO THE ORDER OF		[26GT-004-DIV2] PTO Statutory Disclaimer Fee			
[26GT-004-DIV2] PTO Statutory Disclaimer Fee					
"001299" "056009039" "2665990"					

POSZ LAW GROUP, PLC

OPERATING ACCOUNT

1299

DATE : Oct 11/2005
 CHE # : 1299
 AMOUNT: \$130.00
 ACCOUNT: GENERAL - 7
 PAID TO: Commissioner for Patents
 [26GT-004-DIV2] PTO Statutory Disclaimer Fee
 MATSU - Mr. H. Matsubara MATSUBARA PATENT FIRM
 MATTER: MATSUBARA
 LAWYER: DAVID G. POSZ
 2-15, Sakae 1-chome

** GENERAL BALANCES **

UNBILLED DISBS: 0.00
 A/R BALANCE : 2600.00

** TRUST BALANCES **

Ichinomiya-shi
 Aichi-ken, Japan
 491-0858

TRUST BALANCE : 0.00



**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/733,142 10/773,142
	Filing Date	2/9/2004
	First Named Inventor	NAKAJIMA
	Art Unit	3634
	Examiner Name	Strimbu
Total Number of Pages in This Submission	Attorney Docket Number	26GT-004-DIV2

ENCLOSURES (Check all that apply)

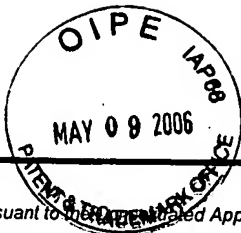
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) 30 replacement sheets <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Posz Law Group, PLC		
Signature			
Printed name	James E. Barlow		
Date	12 October 2005	Reg. No.	32,377

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	James E. Barlow	Date	12 October 2005



Fees pursuant to the Patent and Trademark Fee Schedule, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ **130**)

Application Number	10/733,142 10/773,142
Filing Date	2/9/2004
First Named Inventor	NAKAJIMA
Examiner Name	Strimbu
Art Unit	3634
Attorney Docket No.	26GT-004-DIV2

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: **50-1147** Deposit Account Name: **Posz Law Group, PLC**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	\$
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	160	80	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent
 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent
 Multiple dependent claims

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = x =

Multiple Dependent Claims
Fee (\$) **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$ (\$ for small entity)
 for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = <u> </u>	/ 50 = <u> </u>	(round up to a whole number) x <u> </u>	= <u> </u>	<u> </u>

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Statutory Disclaimer

Fees Paid (\$)

130

SUBMITTED BY

Signature

James E. Barlow

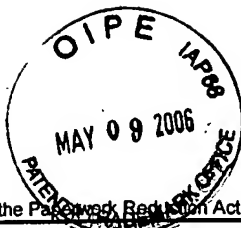
Registration No. 32,377
 (Attorney/Agent)

Telephone (703) 707-9110

Name (Print/Type)

James E. Barlow

Date 12 October 2005



PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
26GT-004-DIV2

In re Application of: Nakajima et al.

Application No.: ~~40733,442~~ 10/773,142

Filed: 9 Feb. 2004

For: WEATHER STRIP

The owner*, TOYODA GOSEI CO., LTD, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,716,496 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:


- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 32,377


Signature12 October 2005
DateJames E. Barlow
Typed or printed name703-707-9110
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NAKAJIMA et al.

Atty. Dkt.: 26GT-004-DIV2

Serial No.: ~~10/733,142~~ 10/773,142

Art Unit: 3634

Filed: 2/9/2004

Examiner: Strimbu

Title: WEATHER STRIP

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on this date: 12 October 2005
Typed Name: James Barlow.

Signature: _____

AMENDMENT UNDER 37 CFR 1.111

Sir:

In response to the office action mailed 12 July 2005, please amend the application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 7 of this paper.

Amendments to the Drawings begin on page 11 of this paper and include 30 attached replacement sheets.

Remarks begin on page 12 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend the title (page 1, line 1) as follows:

WEATHER STRIP HAVING MOLDED CORNER SECTION

Please amend the paragraph beginning at page 1, line 4 as follows:

This application is a divisional application of U.S. Patent Application Serial No. 10/043,166, filed on January 14, 2002, now U.S. patent 6,716,496, which in turn is a divisional application of U.S. Patent Application Serial No. 09/181,670, filed on October 29, 1998, now U.S. patent 6,395,355. This application is also based upon and claims the benefit of Japanese Patent Application Nos. 09-316032 filed on October 30, 1997, 09-368537 filed on December 26, 1997 and 10-230230 filed on July 31, 1998, the contents of which are incorporated herein by reference.

Please amend the paragraph beginning on page 15, line 27 as follows:

Description will now be made of opening trims embodying the invention with reference to ~~Figs.~~ Figs. 1 to 34. The first to ninth embodiments are mainly employed for attaining the above-mentioned objects.


Please amend the sub-heading that appears on page 16, line 4 as follows:

~~[First Embodiment]~~ First Embodiment


Please amend the paragraph beginning on page 16, line 26 as follows:

Since the opening trim 11 is required to be curved along a corner of the door opening peripheral edge, it has a corner section C which curves between straight sections S, S. This curved shape of the corner section C has to be maintained. In order to expand the sealing area of the corner section C toward its outer periphery in accordance with the corner shape of the door panel 3, the sealing portion of the corner section C is required to project toward the outer periphery of the corner section C. The inner and outer peripheries of corner section C are the areas on corner section C where its radiuses are the smallest and the largest, respectively.

Construction of the corner section C will be described in detail by the following forming process.

(1) First of all, the sealing portion 14 is cut to make a linear incision slit 19 provided on a loop edge 17 on the outer periphery of the corner section C to thereby form an incision edge 14b on the outer periphery of the sealing portion 14, as shown in Figs. 3 (see double dashed lines) and 4. Furthermore, as shown in Figs. 1, 2 and 4, cuts 18, 18 are made in the sealing portion 14, which run from the incision edge 14b toward the inner periphery of the corner section C in the vicinity of both ends of the incision slit 19 (in the vicinity of each boundary between the corner section C and the straight sections S, S) to thereby form a  shaped form an incision fin 14a as illustrated in Fig. 4.

Please amend the paragraph beginning on page 19, line 12 as follows:

Unlike the a conventional weather strip (opening trim) wherein the majority of the sealing portion in the corner section is cut off, according to the opening trim 11 of the present embodiment as described above, the sealing portion 14 remains as the  shaped the incision fin 14a, and the incision edge 14b is spread out to project toward the outer periphery of the

corner section C. As a result, the extruded sealing portion 14 (including the incision fin 14a) is shown (appears on the surface) as much as possible. To the contrary, the molded part 30 appears on the surface as little as possible except that it is slightly seen inside the cuts 18, 18 and seen in a place which projects from the spread incision edge 14b. Therefore, the opening trim 11 of the present embodiment can provide a uniform luster on its surface. The weather strip reduces the appearance of a borderline between the extruded sealing portion 14 (including incision fin 14a) and the molded part 30, thereby remarkably improving the overall appearance.

Please amend the sub-heading that appears on page 20, line 18 as follows:

~~{Second Embodiment}~~ Second Embodiment

Please amend the sub-heading that appears on page 21, line 2 as follows:

~~{Third Embodiment}~~ Third Embodiment

Please amend the sub-heading that appears on page 22, line 10 as follows:

~~{Forth Embodiment}~~ Fourth Embodiment

Please amend the sub-heading that appears on page 23, line 11 as follows:

~~{Fifth Embodiment}~~ Fifth Embodiment


Please amend the sub-heading that appears on page 24, line 9 as follows:

~~{Sixth Embodiment}~~ Sixth Embodiment

Please amend the sub-heading that appears on page 25, line 21 as follows:

~~{Seventh Embodiment}~~ Seventh Embodiment

Please amend the paragraph beginning on page 26, line 5 as follows:

As shown in FIG. 18, cuts 18, 18 are made in the sealing portion 37, which run from the free edge 37b toward the inner periphery of the corner section C in the vicinity of each boundary between the corner section C and the straight sections S, S to thereby form a  shaped form a free fin 37a. The attachment portion 13 and the sealing portion 37 are curved as described in the first embodiment, and the free edge 37b is spread out to project toward the outer periphery of the corner section C. Then, as shown in FIG. 19, a molded part 30 for maintaining the curved shape is formed along the entire outer surface of the attachment portion 13 and the entire back side of the free fin 37a, and inside the cuts 18, 18 which are expanded by the above described curved transformation of the opening trim 11.

Please amend the sub-heading that appears on page 26, line 24 as follows:

~~{Eighth Embodiment}~~ Eighth Embodiment

Please amend the sub-heading that appears on page 30, line 1 as follows:

~~{Ninth Embodiment}~~ Ninth Embodiment

Please amend the abstract (the paragraph beginning on page 43, line 1) as follows:

A weather strip ~~comprising~~ has an extruded body having straight sections and a corner section ~~curving therebetween is disclosed~~ between the straight sections. The extruded body ~~comprises~~ has an attachment portion and a hollow sealing portion integrally formed by extrusion molding. The attachment portion is attached to a part of an automobile and the sealing portion is connected to the attachment portion at both ends. The weather strip ~~comprises~~ includes: an incision slit made on the outer periphery of the sealing portion in the corner section; an incision edge formed on the sealing portion along the incision slit, the incision edge being spread out toward the outer periphery of the corner section with the attachment portion and sealing portion being curved along a corner shape of the part of the automobile; and a molded part formed at least in the vicinity of the incision edge on the back side of the sealing portion in the corner section.

LISTING OF CLAIMS:

1-33 (Canceled).

34. (Previously presented) A weather strip comprising an extruded body having straight sections and a corner section curving therebetween, said extruded body comprising an attachment portion and a hollow sealing portion, the attachment portion being configured for attachment to a flange; wherein the corner section of the extruded body comprises

~~a cut-off part being made on~~ an opening defined in a wall of said hollow sealing portion along the corner section, wherein the opening is formed by removal of a part of the wall of said hollow sealing portion,

said attachment portion being curved along the corner section, and

a corner-shaped molded part being formed by filling a molding material into the ~~cut-off sealing portion~~ opening;

wherein said weather strip further comprises

~~a reinforcing portion for maintaining curved shape which prevents transformation of said corner-shaped molded part due to the recovery of the straight shape of the corner section~~ a curvature of the corner section, wherein the reinforcing portion prevents the corner section from recovering its original straightness.

35. (Previously presented) A weather strip according to claim 34, wherein
said reinforcing portion for maintaining curved shape is formed on a surface of said attachment portion.

36. (Currently amended) A weather strip according to claim 35, wherein said reinforcing portion for maintaining curved shape is integrally formed on the surface of said attachment portion by ~~an a resin injection molding from a hard resin~~, said reinforcing portion for maintaining curved shape extending along a curving direction of said corner section.

37. (Previously presented) A weather strip according to claim 34, wherein said reinforcing portion for maintaining curved shape is formed on the back side of said corner-shaped molded part as a curved reinforcing rib.

38. (Previously presented) A weather strip according to claim 37, wherein said reinforcing rib is integrally formed on said molded part when the corner-shaped molded part is molded, said reinforcing rib comprising at least two reinforcing ribs extending along a curving direction of said corner section.

39. (New) A weather strip comprising an extruded body, wherein
the extruded body includes two straight sections and a corner section,
the corner section curves and extends between the straight sections, and the corner section is bent from a section of the extruded body that was originally straight,
the extruded body includes an attachment portion and a hollow sealing portion,
the attachment portion is configured for attachment to a flange, and a U-shaped metal insert is located within the attachment portion,

the corner section of the extruded body includes an opening defined in a wall of the hollow sealing portion, and the opening is formed by removal of a part of the wall of the hollow sealing portion,

the attachment portion is curved along the corner section,

a corner-shaped molded part is formed on the corner section by filling a molding material into the opening,

the weather strip further comprises a reinforcing portion for maintaining the curvature of the corner-shaped molded part, wherein the reinforcing portion prevents the corner section from recovering its original straightness.

40. (New) A weather strip according to claim 39, wherein the reinforcing portion for maintaining curved shape is formed on a surface of the attachment portion.

41. (New) A weather strip according to claim 40, wherein the reinforcing portion is formed on the surface of the attachment portion by resin injection molding, and the reinforcing portion extends in a curving direction of the corner section.

42. (New) A weather strip according to claim 39, wherein the reinforcing portion is formed on a back side of the corner-shaped molded part as a curved reinforcing rib.

43. (New) A weather strip according to claim 39, wherein the reinforcing portion is attached to the attachment portion in close proximity to the metal insert.

44. (New) A weather strip according to claim 39, wherein the molded portion is made of a soft TPE material, and the reinforcing portion is made of a hard resin derived from polyolefin.

AMENDMENTS TO THE DRAWINGS

The attached drawing replacement sheets include cosmetic changes to Figs. 1-34. No substantive changes have been made to the drawings. The changes are described in the remarks section of this paper.

Attachment: Replacement Sheets

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received in application SN 10/043,166.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on 9 February 2004. One item, which was apparently a duplicate entry for USP 5,296,067, was not initialed by the examiner.

Claims 34-44 are pending. Claims 1-33 have been canceled. Claims 39-44 are new. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Drawings

With regard to the drawings, Figs. 23 and 30 were objected to for not including a "Prior Art" label. However, Fig. 23 uses reference number 11 to designate the corner section. The reference number 11 refers to the corner section that is the subject of the invention and is shown in more detail in figures that do not represent prior art, such as Fig. 1. Similarly, Fig. 30 includes reference number 111 to indicate a novel opening trim. If the applicants assert that Fig. 23 and Fig. 30 represent prior art, this will be inaccurate, since reference numbers 11 and 111 designate parts having novel subject matter. Although Figs. 23 and 30 do not show details, it would be misleading to call them prior art, due to the reference numbers that they include. Therefore, the applicants respectfully request that the examiner's objection to Figs. 23 and 30 be withdrawn.

The drawings were objected to for underlining some reference numerals. All drawing sheets have been replaced. Replacement sheets are attached in which the underlined reference numbers have been rewritten without underlining. Underlined reference numbers have been

corrected in nearly all drawings. Some drawings did not include any underlined reference numbers, but were replaced to remove copy machine marks. The paper size of the drawings has been changed to 8.5 x 11, and the font of the figure numbers has been enlarged. No substantive changes have been made to any of the drawings. In view of the replacement drawing sheets, the applicants respectfully request that the objections to the drawings be withdrawn.

Specification

The specification was objected to for various informalities set forth on pages 4 and 5 of the office action. Each of these matters has been addressed in the amendments to the specification listed above. Therefore, the applicants respectfully request withdrawal of these objections.

Double Patenting

Claims 34-38 were rejected under the doctrine of obviousness-type double patenting over claims 1-4 of US patent 6,716,496 in view of the admitted prior art of Figs. 23-25. This rejection should be withdrawn because, without conceding that this rejection has merit, the applicants have attached a terminal disclaimer in accordance with MPEP 804.02(II).

Indefiniteness

Claims 34-38 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

The phrase "a cutoff part being made on said hollow sealing portion" was said to render the claims indefinite. This phrase has been removed. Instead, claim 34 now recites an opening in the wall of the hollow sealing portion. The opening of claim 34 is shown in the exemplary embodiment of Fig. 26.

The phrases "curved shape" and "the straight shape of the corner section" of claim 34 were said to render the claims indefinite. The section of claim 34 in which these phrases appeared has been rewritten. Claim 34 now calls for "a reinforcing portion for maintaining a curvature of the corner-shaped molded part, wherein the reinforcing portion prevents the corner-shaped molded part from recovering its original straightness." This wording is considered to be fully definite.

The phrase "injecting molding from a hard resin" in claim 36 was said to render the claims indefinite. Claim 36 now calls for "a resin injection molding," which is considered to be definite. Therefore, the rejection of claims 34-38 based on section 112 should be withdrawn.

Art-based Rejections

Claims 34-37 were rejected under 35 USC 102(b) as being anticipated by the prior art of Figs 23-25. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 34 recites a reinforcing portion for preventing the corner-shaped molded part from recovering its original straightness. The prior art of Figs. 24 and 25 fail to show or suggest this feature. Therefore, the Figs. 24 and 25 cannot anticipate claim 34 or any of its dependents. Therefore, the applicants respectfully request withdrawal of this rejection.

Claim 38 was rejected under 35 USC 103(a) as being unpatentable over the prior art of Figs 23-25 in view of Nozaki '937. The applicants respectfully request that this rejection be withdrawn for the following reasons.

As mentioned above, Figs. 24 and 25 of the present application fail to show or suggest the reinforcing portion of claim 34. Claim 38 depends on claim 34. The patent to Nozaki '937 fails to disclose or suggest what is missing in Figs. 24 and 25 of the present application. That is,

Nozaki '937 fails to show a reinforcing portion for preventing the corner-shaped molded part from recovering its original straightness. Therefore, a combination of Figs. 24 and 25 of the present application and Nozaki '937 fails to satisfy the terms of claim 38 or its dependents.

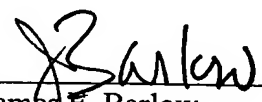
Claims 39-44 are new. Claims 39-44 are readable on the embodiment of Figs. 26-29. Claim 39 is independent, and claims 40-44 depend on claim 39, directly or indirectly.

Claim 39 recites a reinforcing portion that prevents the corner section from recovering its original straightness. Figs. 24 and 25 of the present application and Nozaki '937 fail to show or suggest the reinforcing portion of claim 39. Therefore, claims 39-44 are considered to be patentable over the art of record.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400



FIG. 1

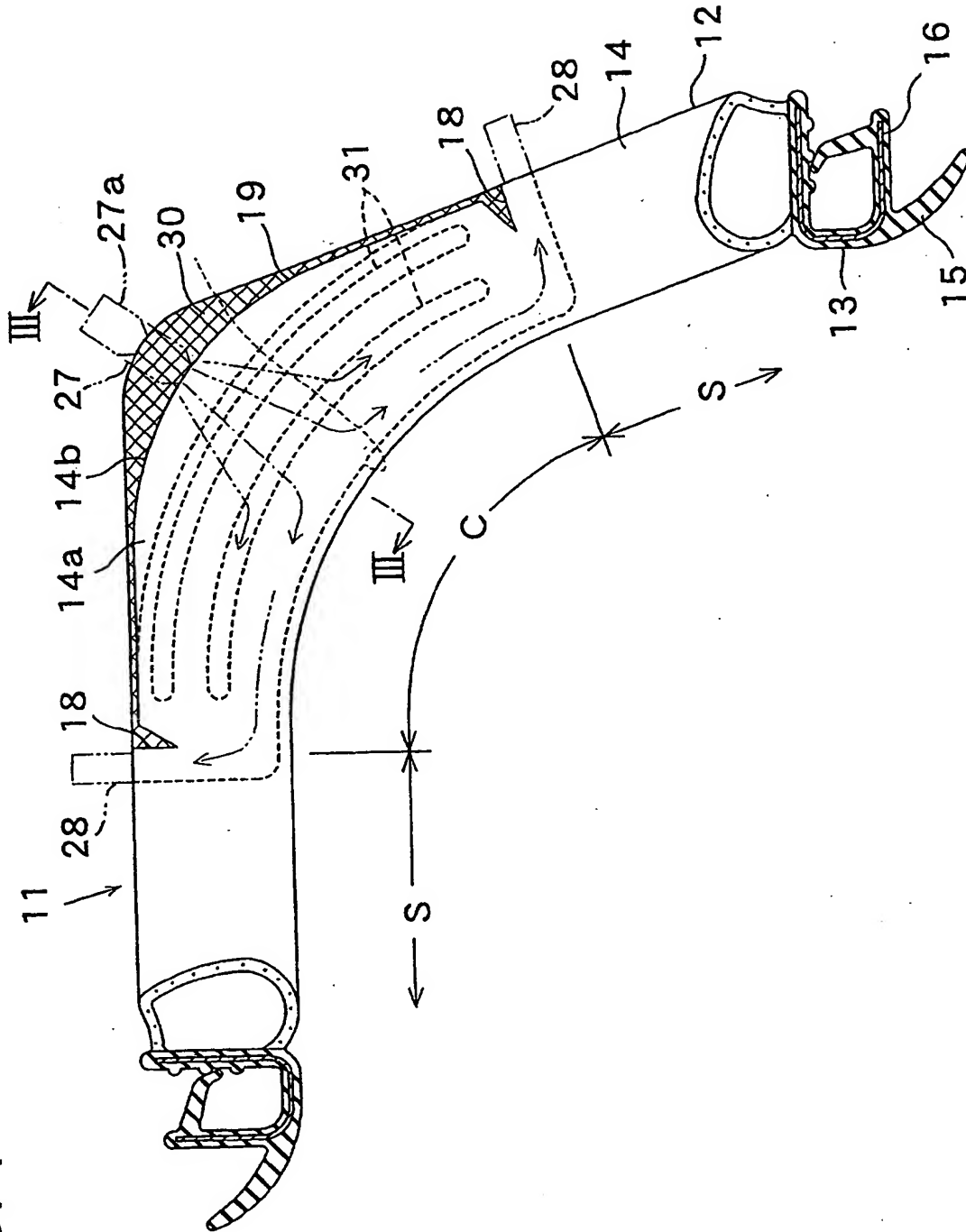


FIG. 2

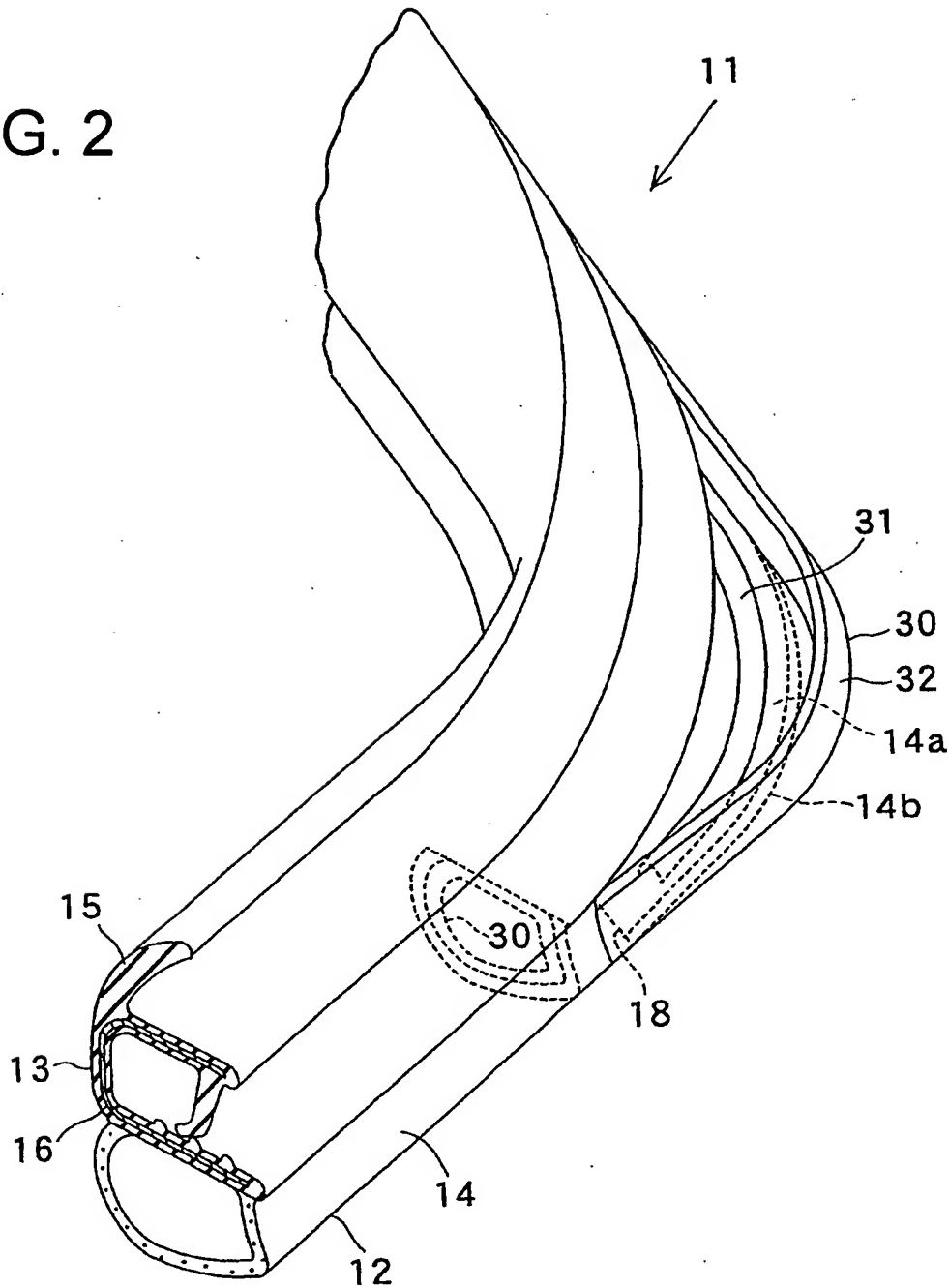


FIG. 3

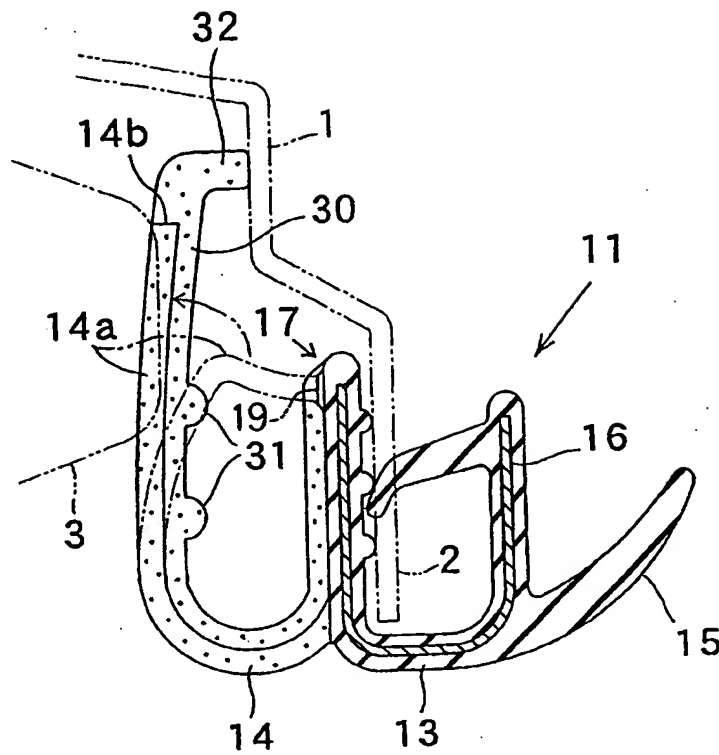


FIG. 6

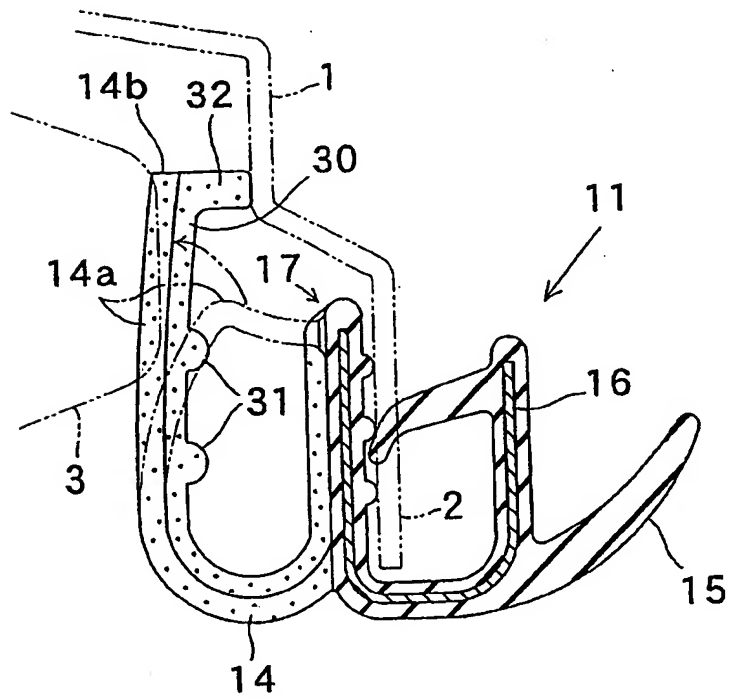


FIG. 4

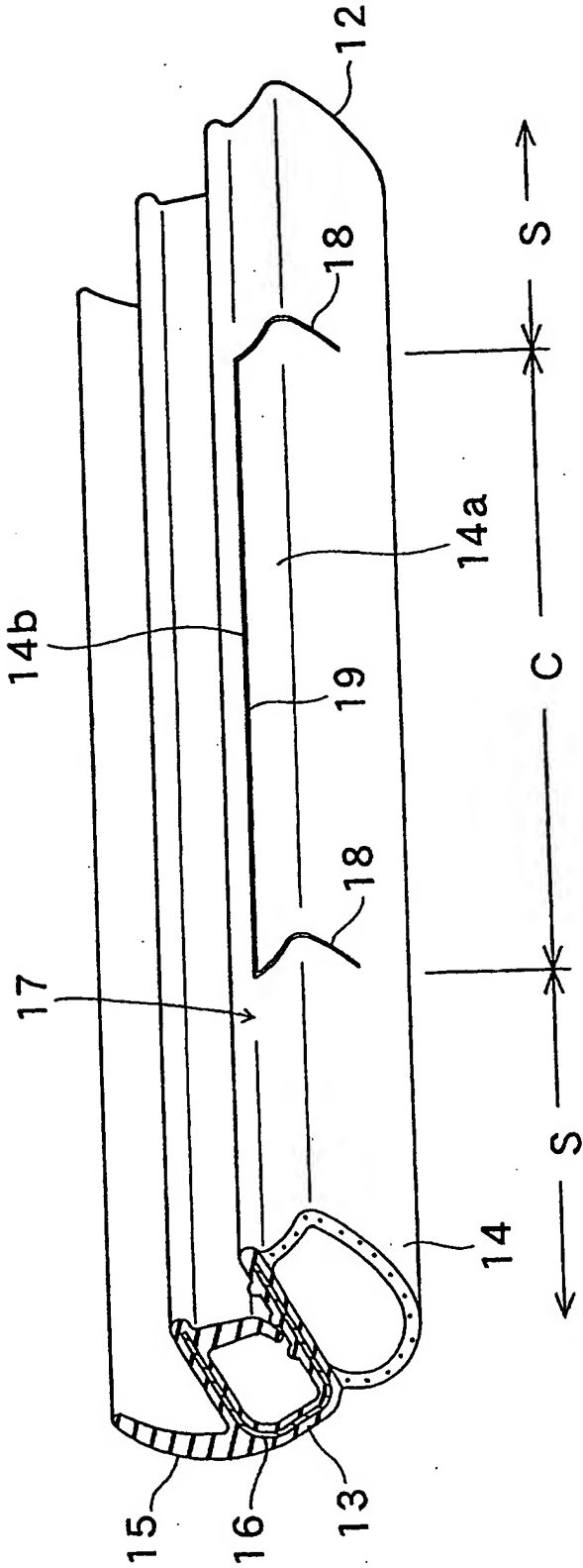


FIG. 5

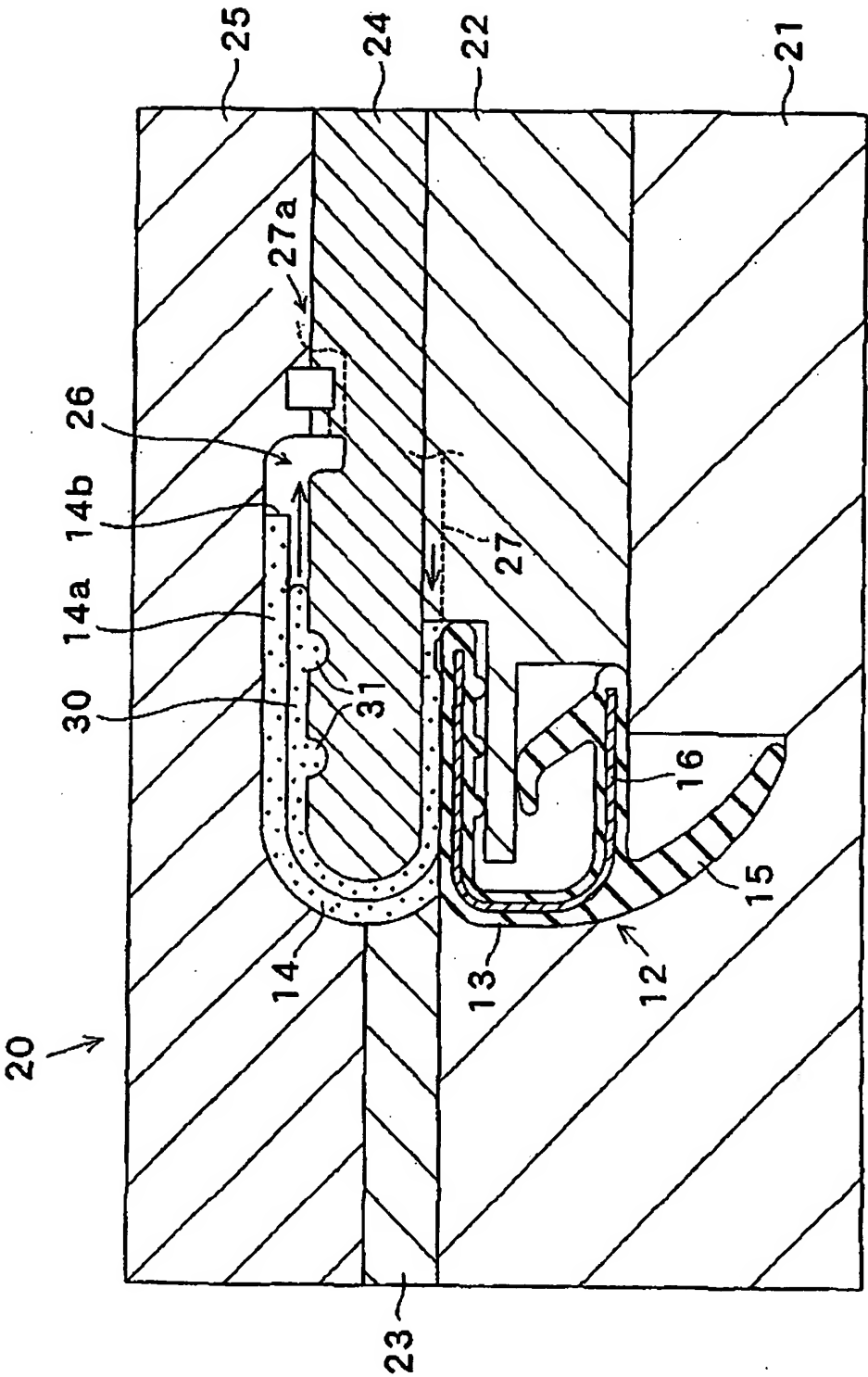


FIG. 7

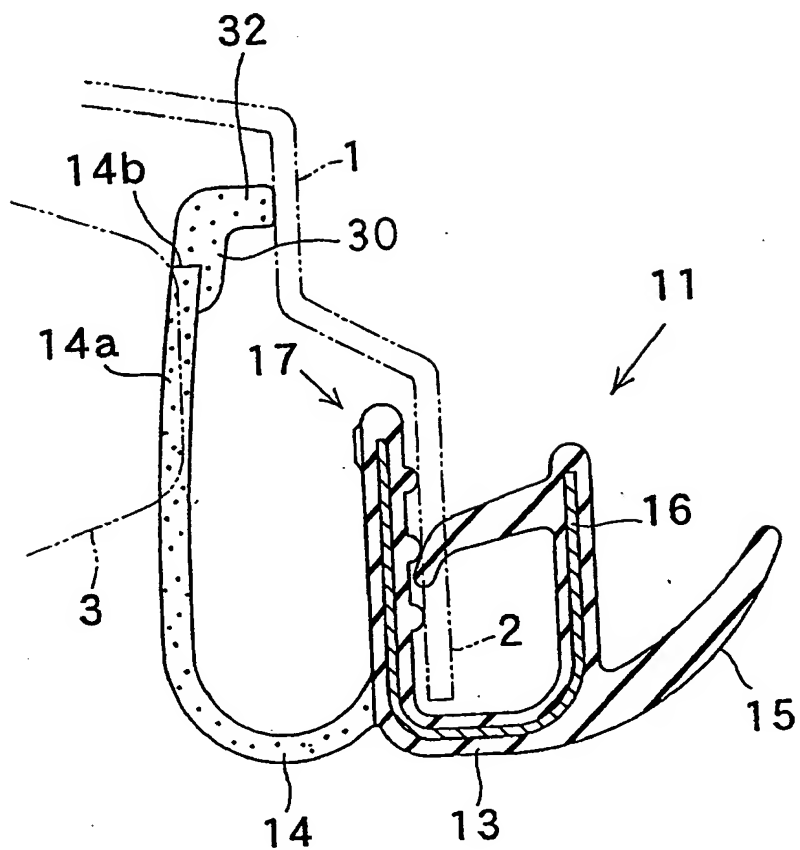


FIG. 8

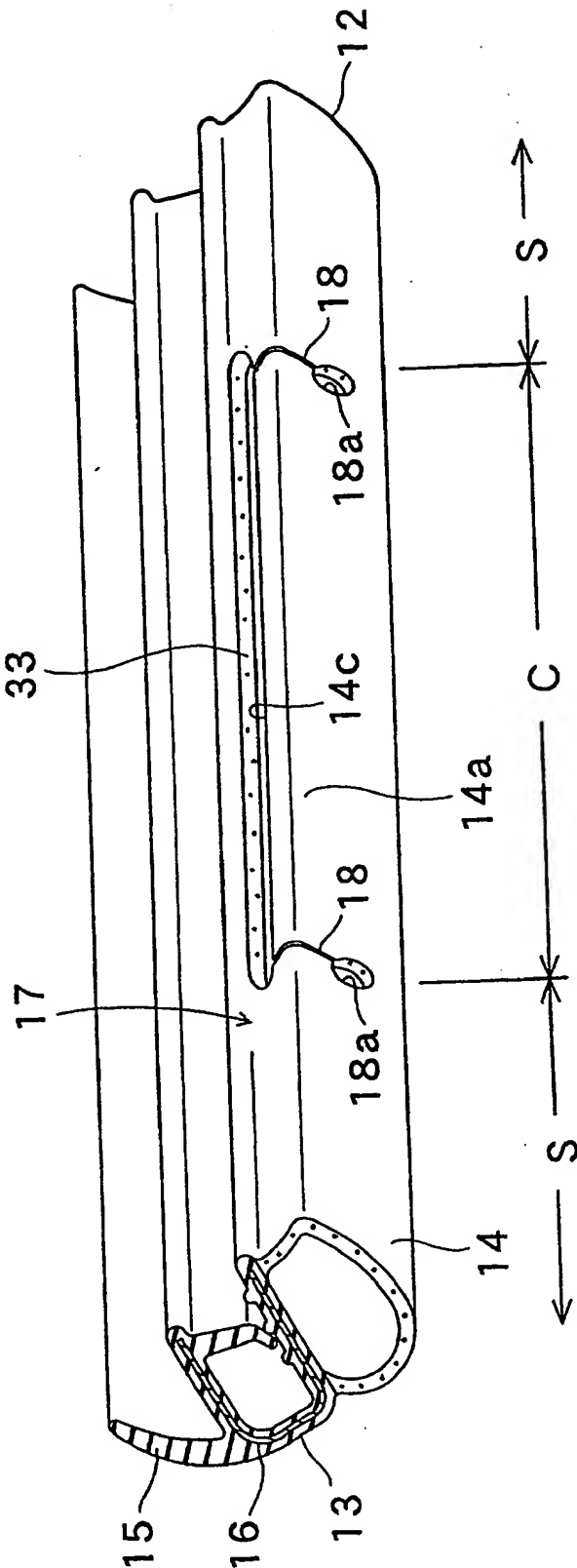


FIG. 9

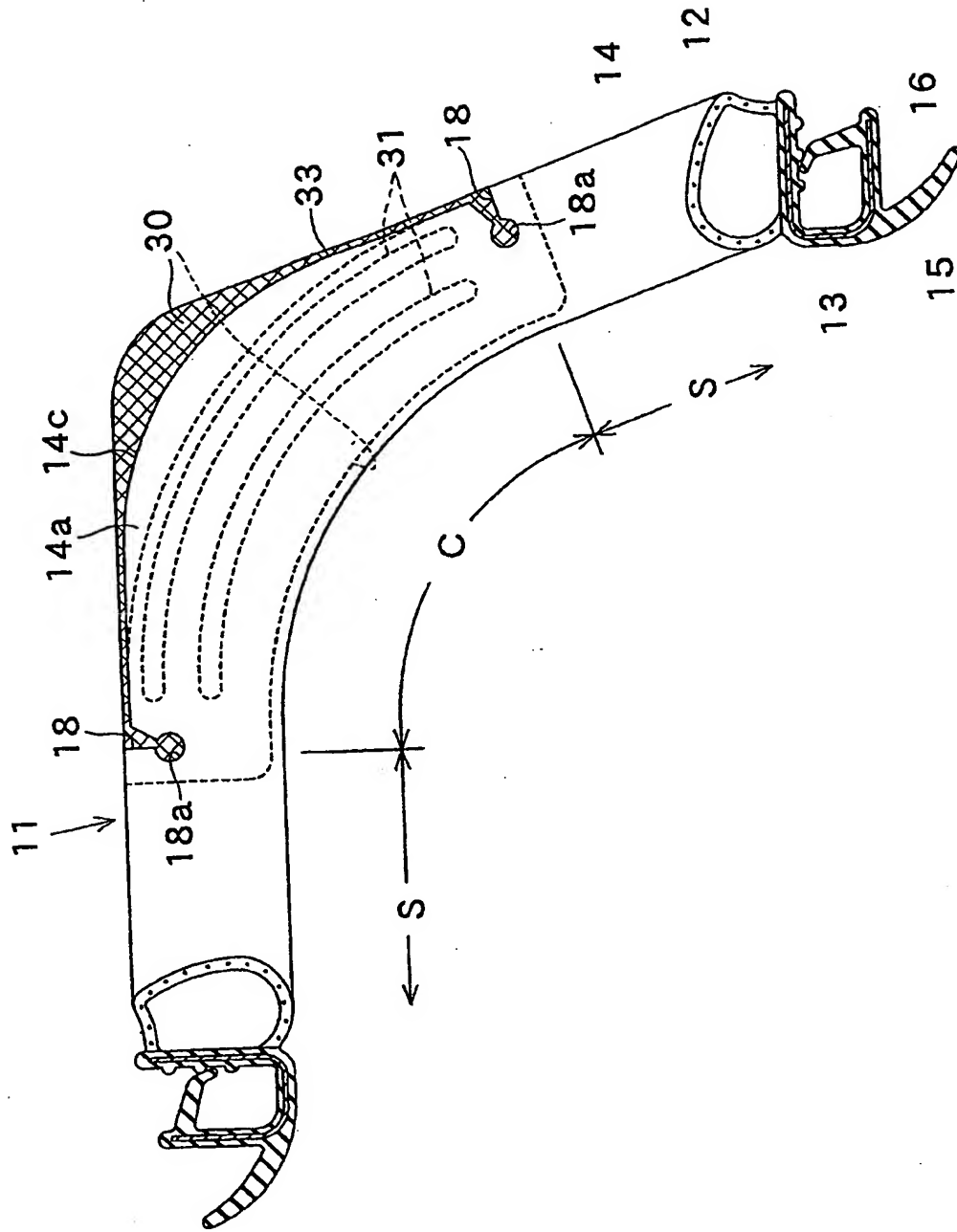
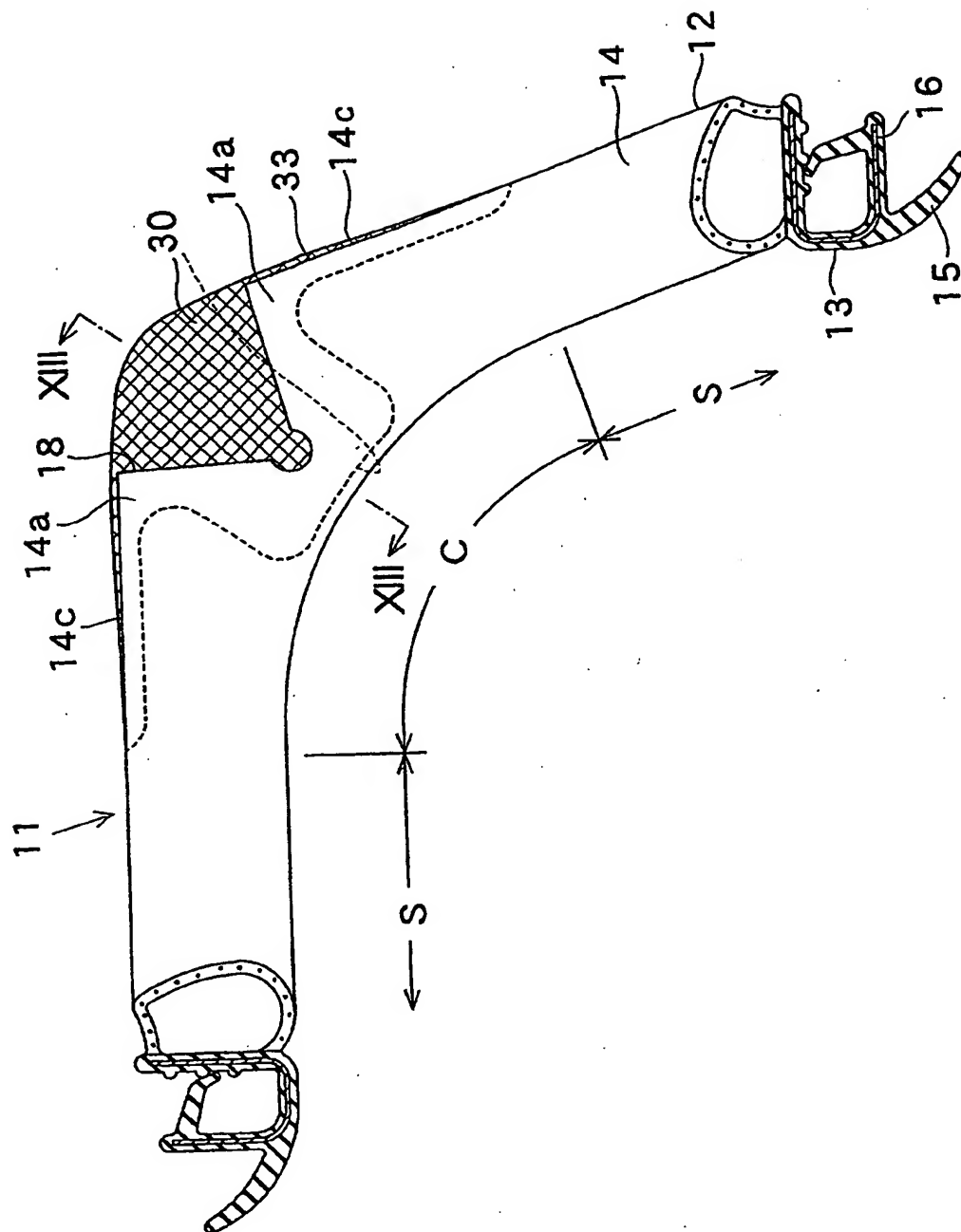


FIG. 11



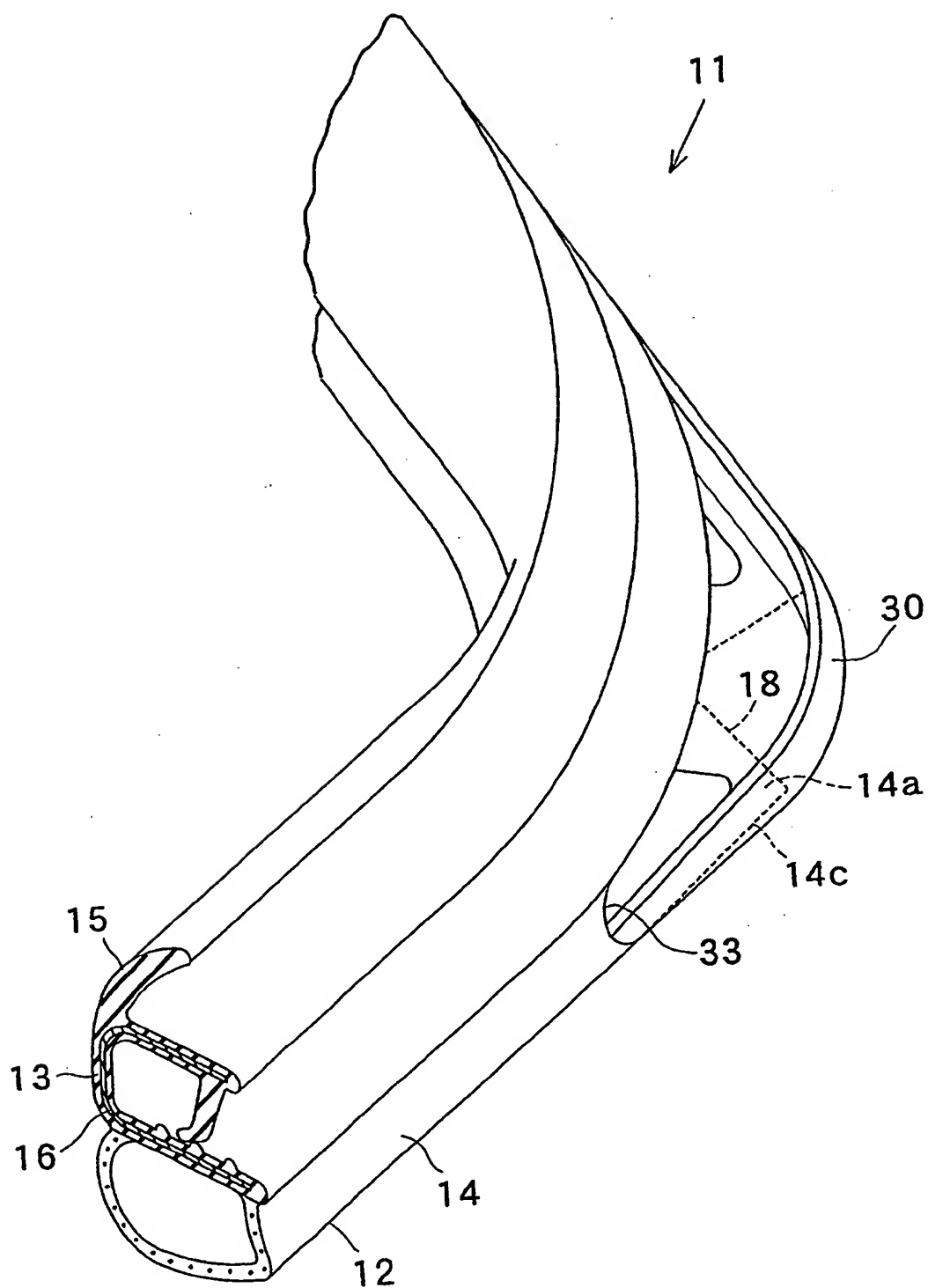


FIG. 13

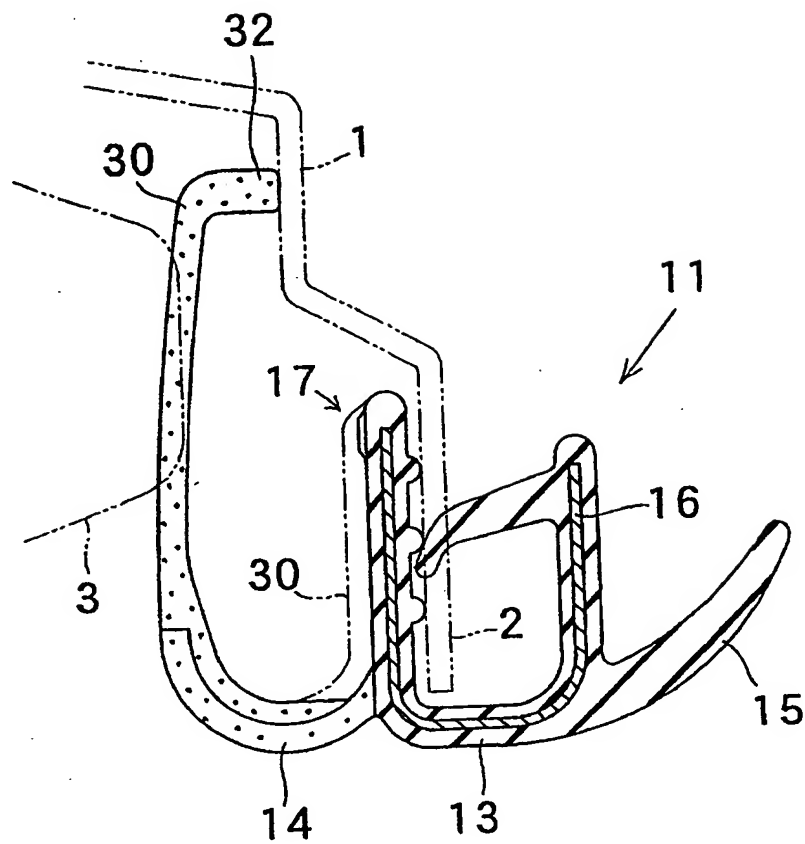


FIG. 14

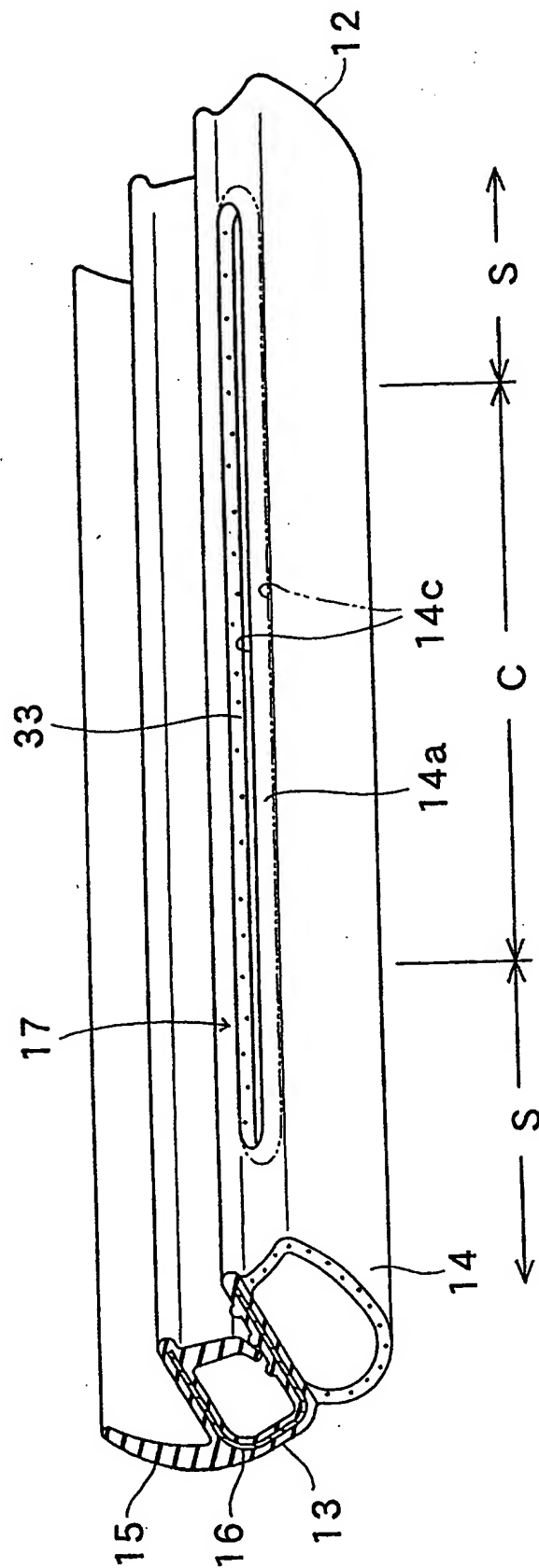


FIG. 15

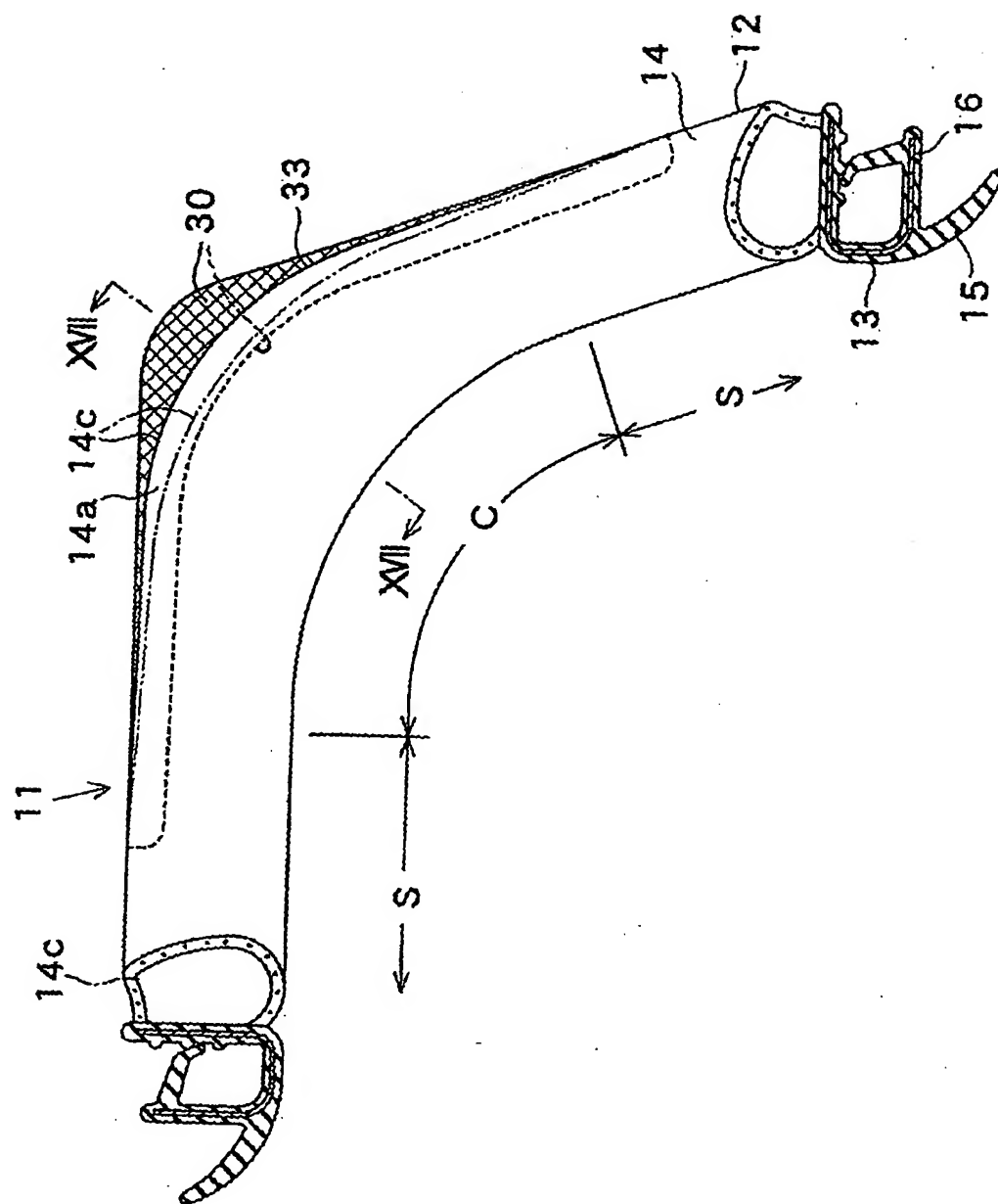


FIG. 16

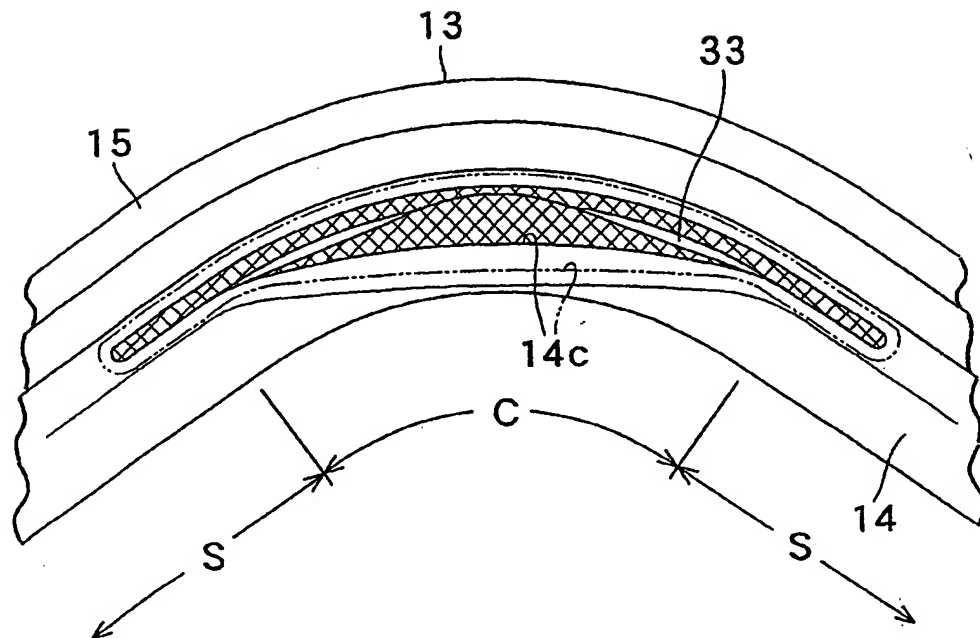


FIG. 17

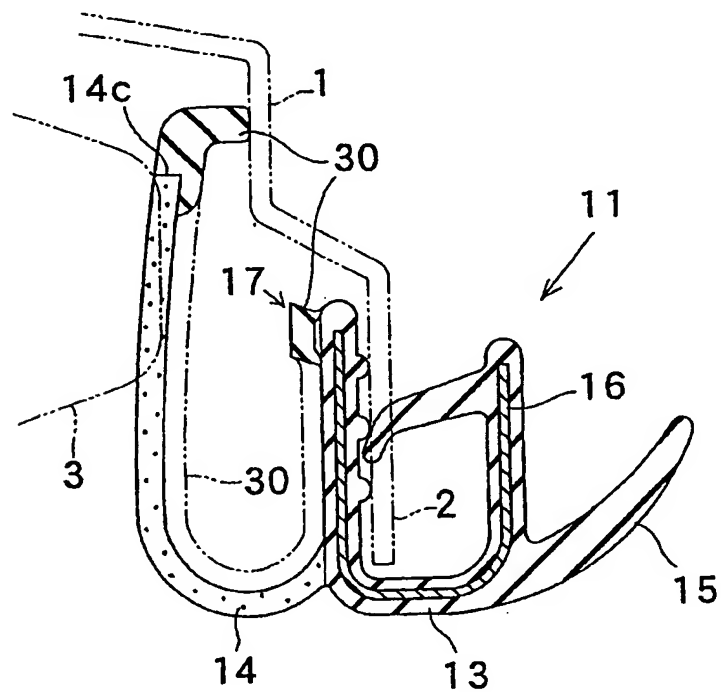


FIG. 18

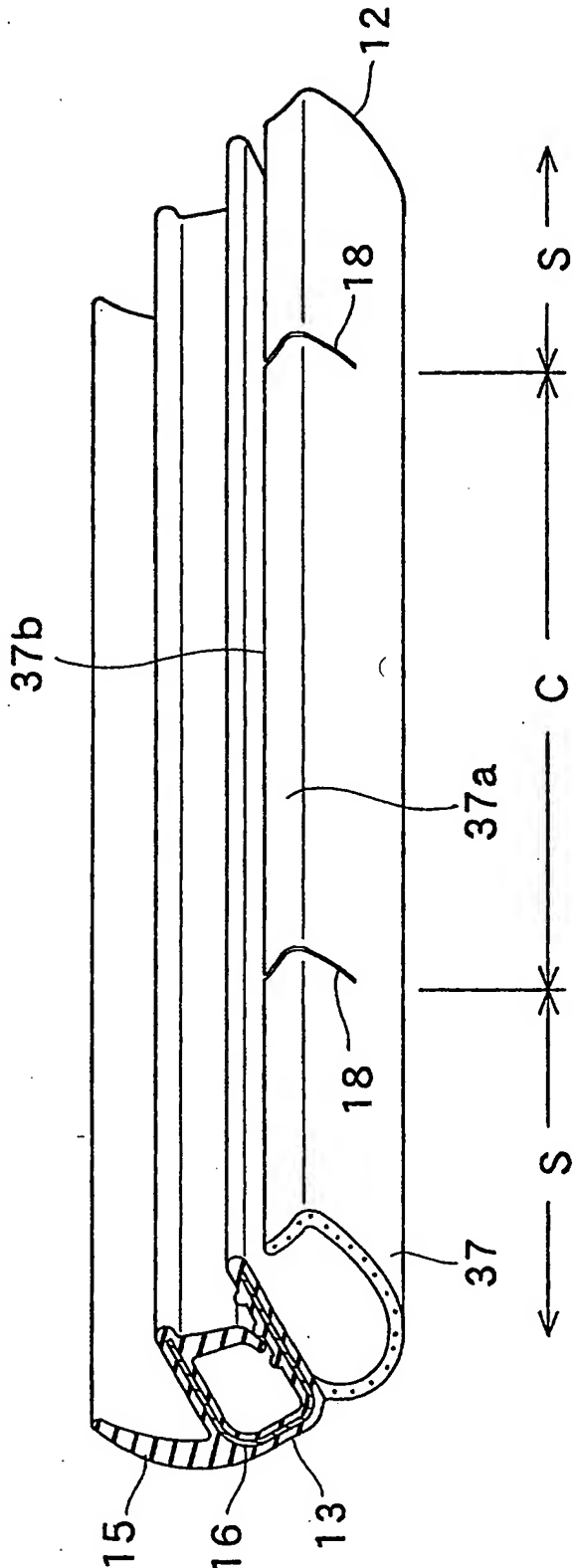


FIG. 19

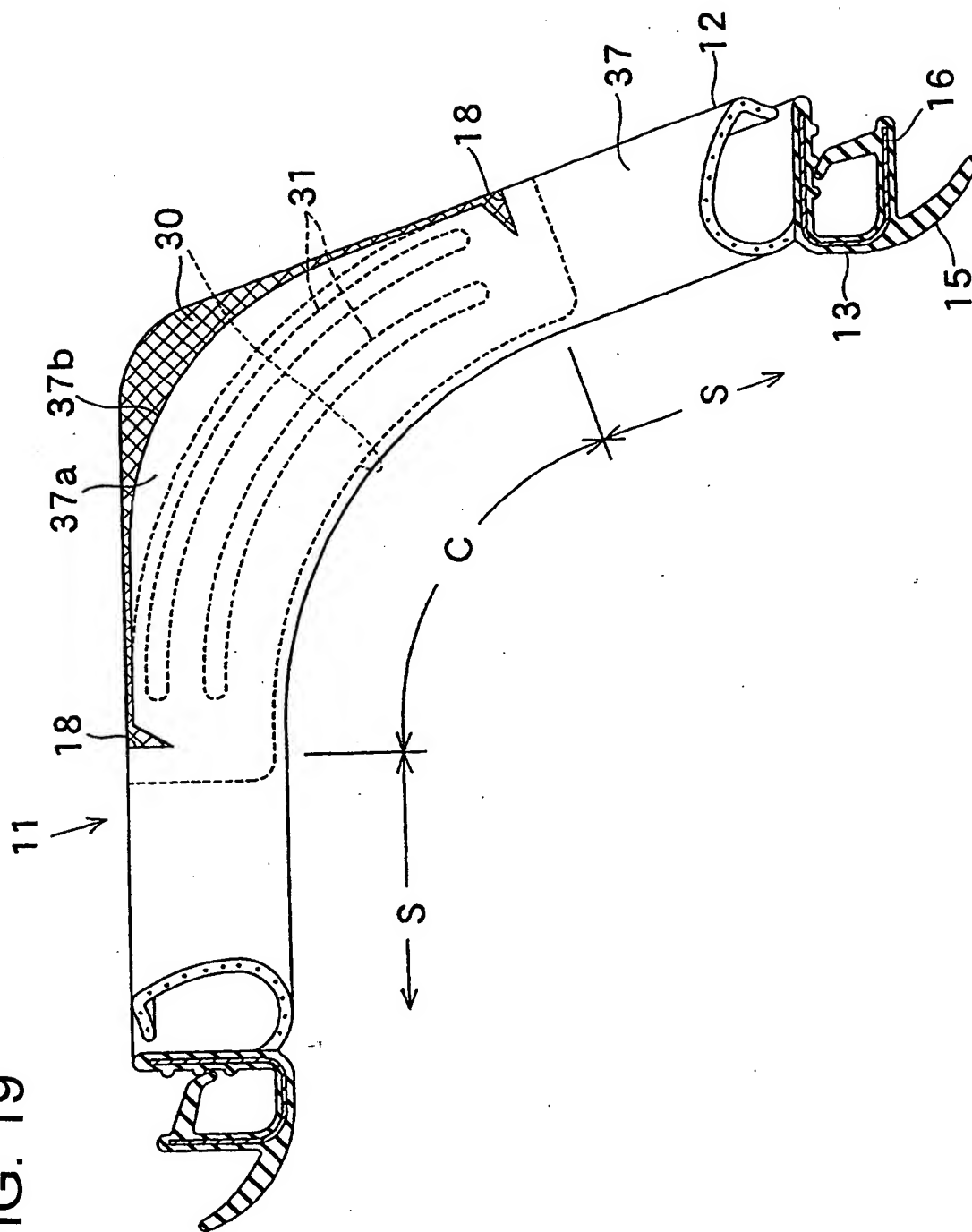


FIG. 20

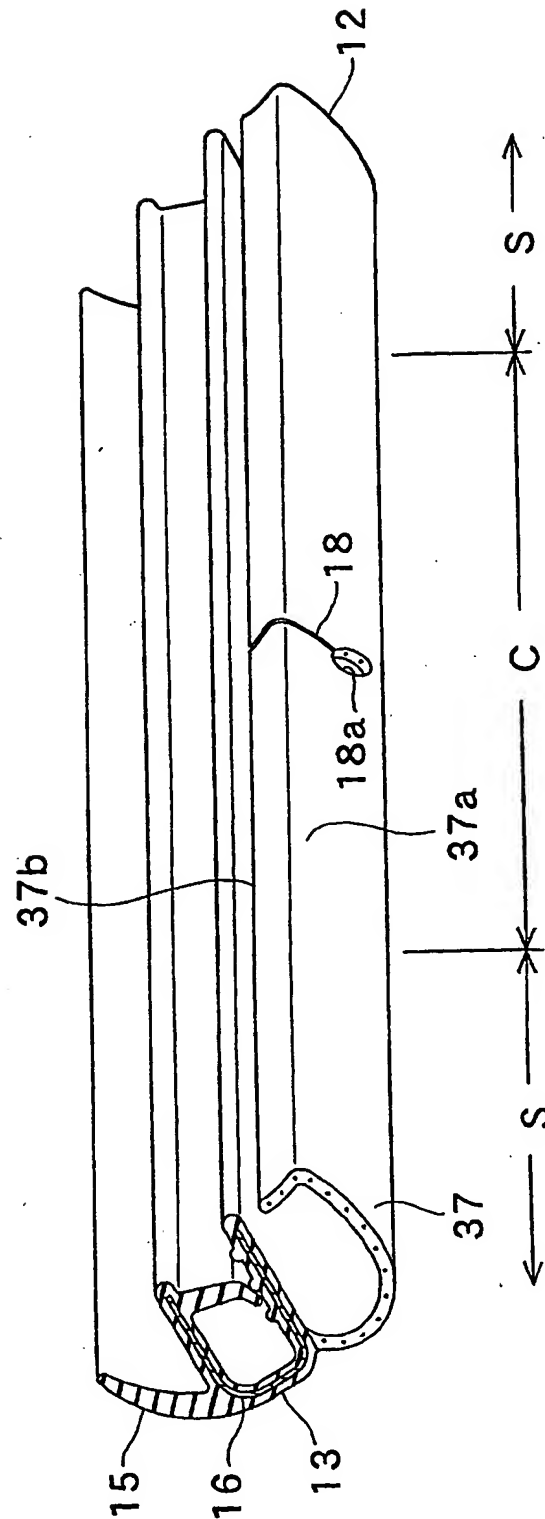


FIG. 21

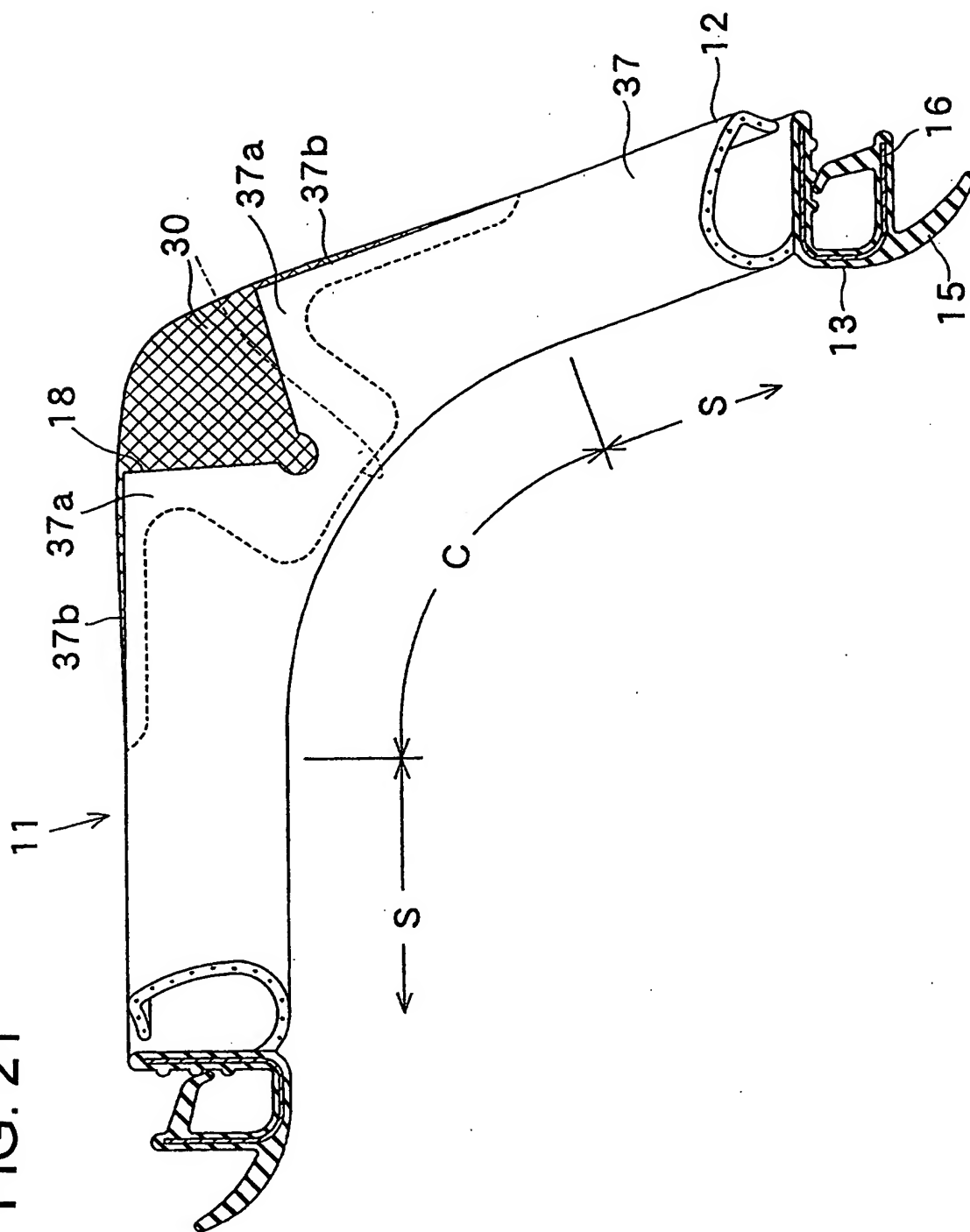


FIG. 22

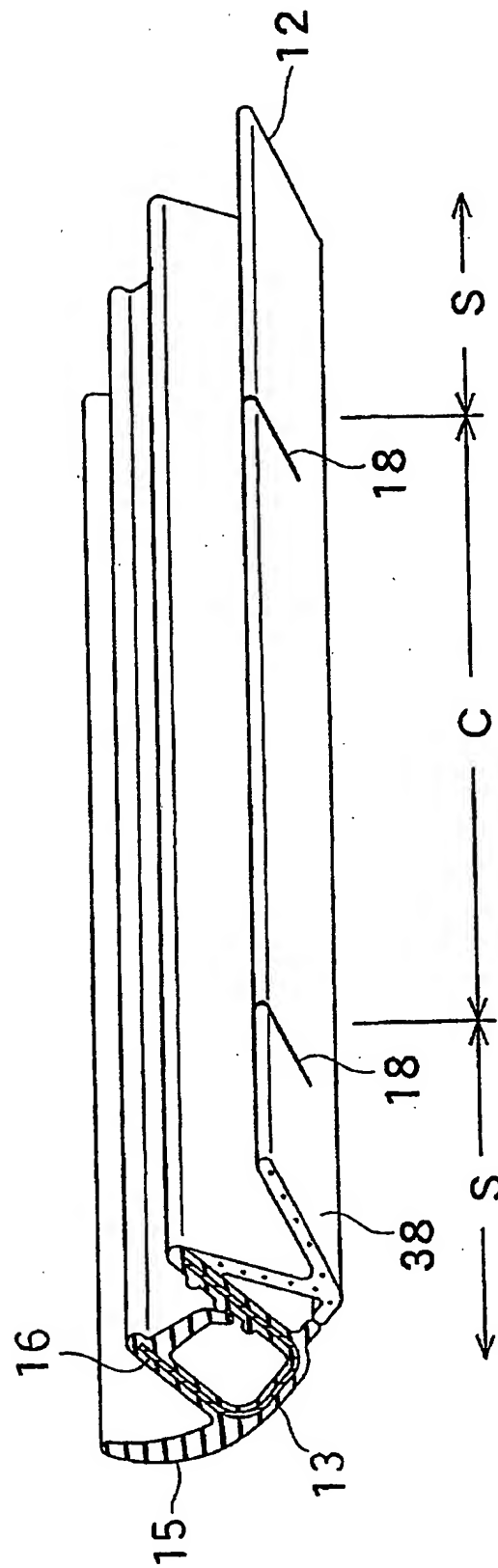


FIG. 23

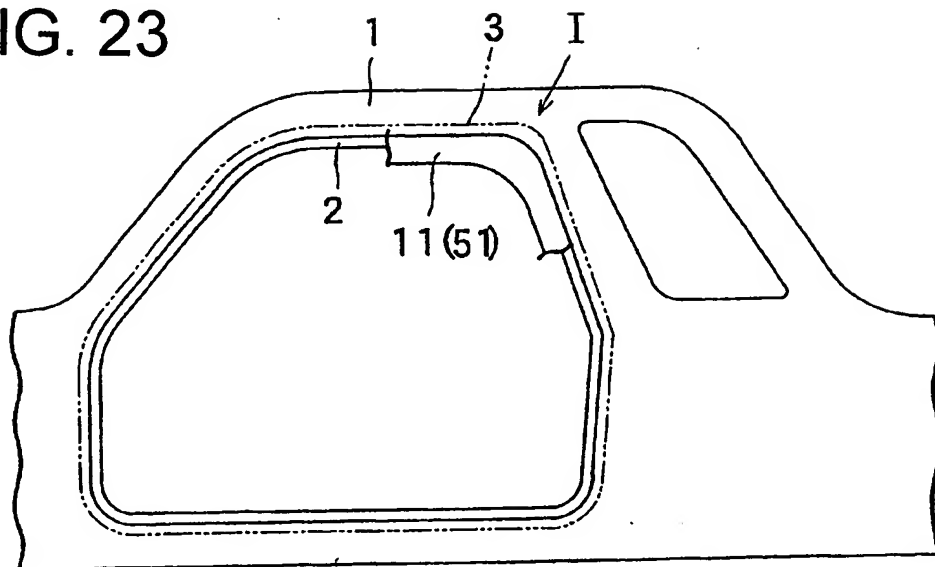


FIG. 24

PRIOR ART

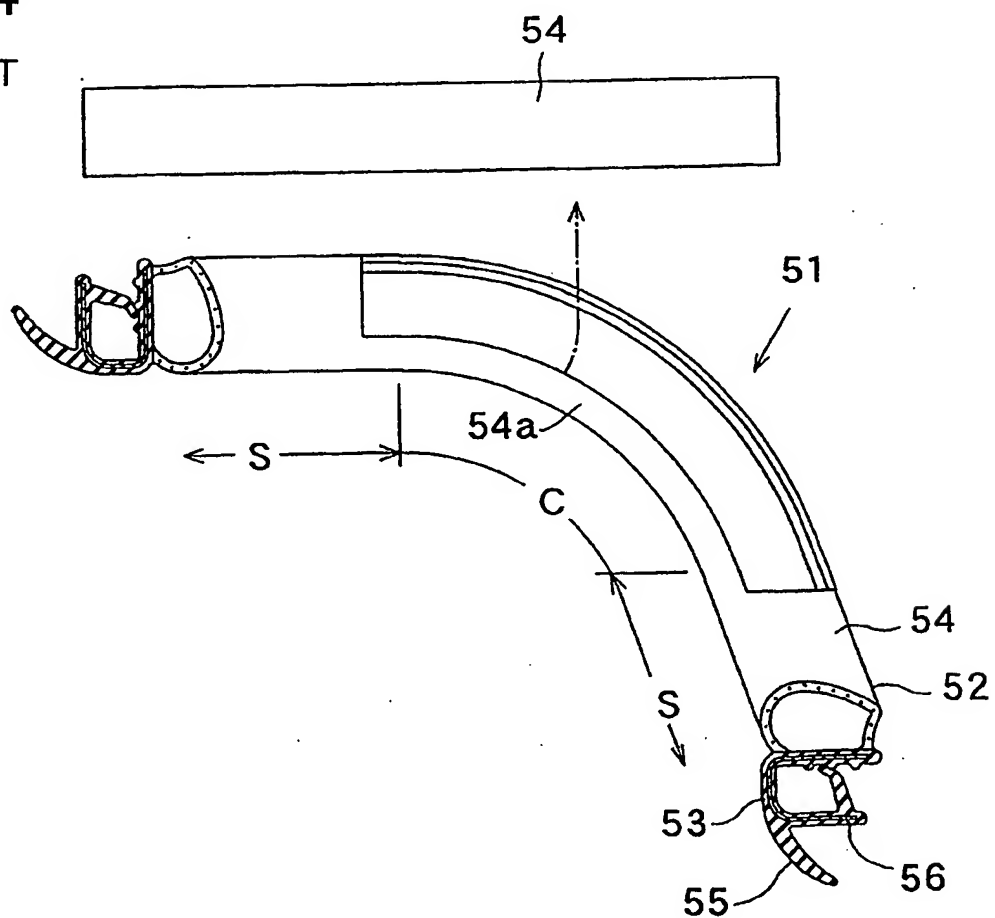


FIG. 25

PRIOR ART

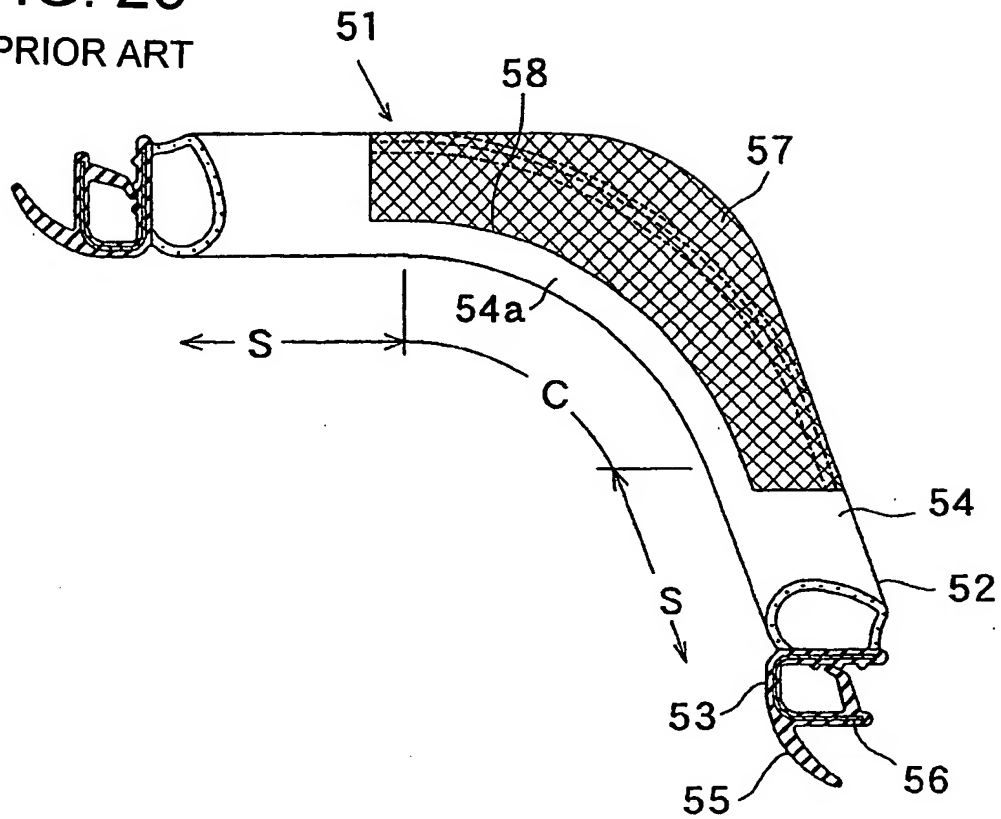


FIG. 26

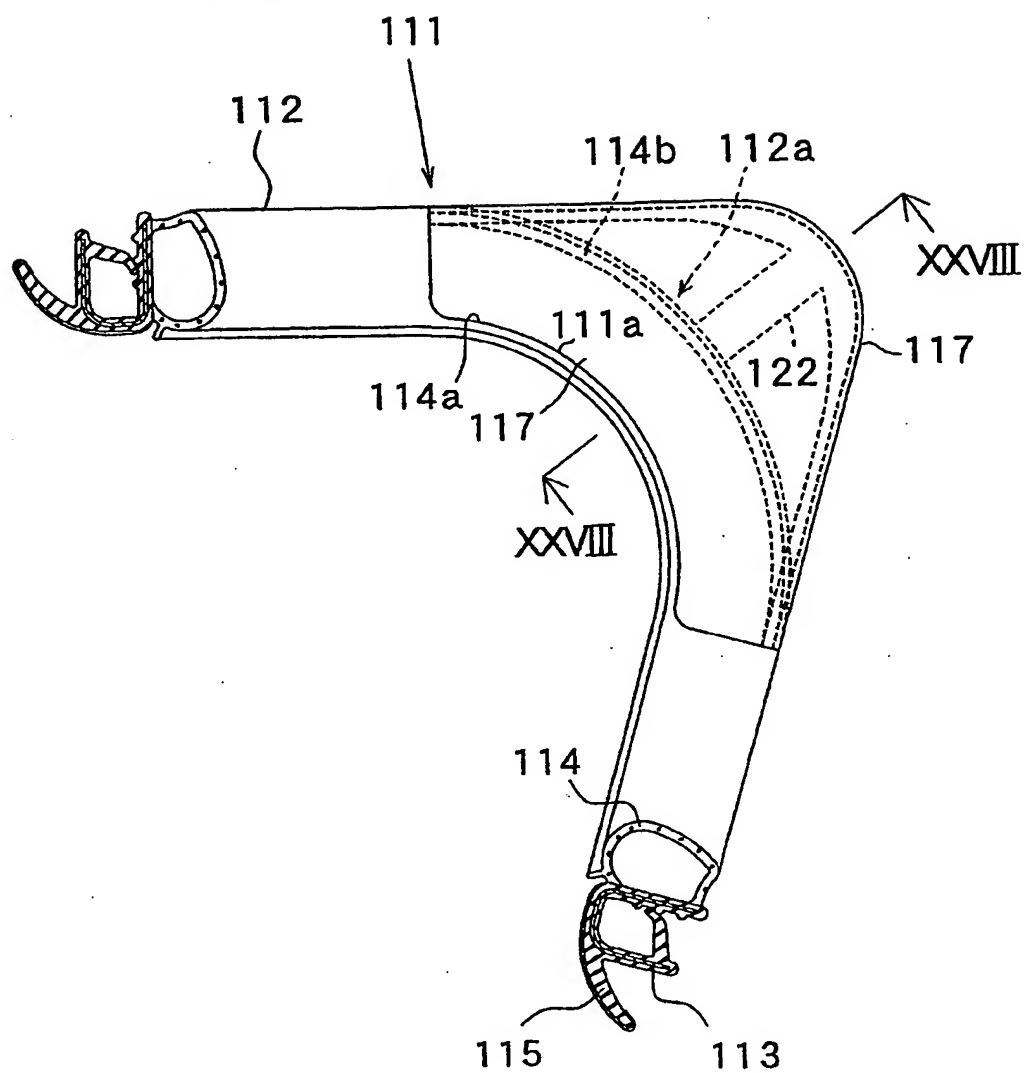


FIG. 27

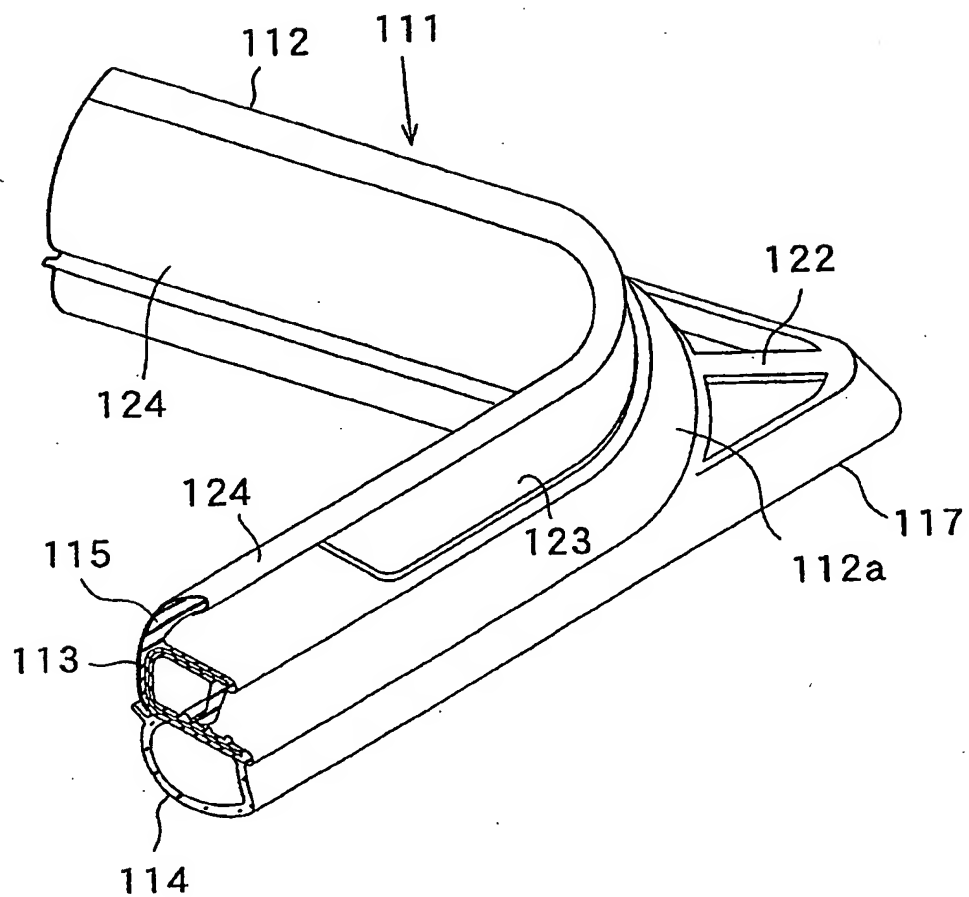


FIG. 28

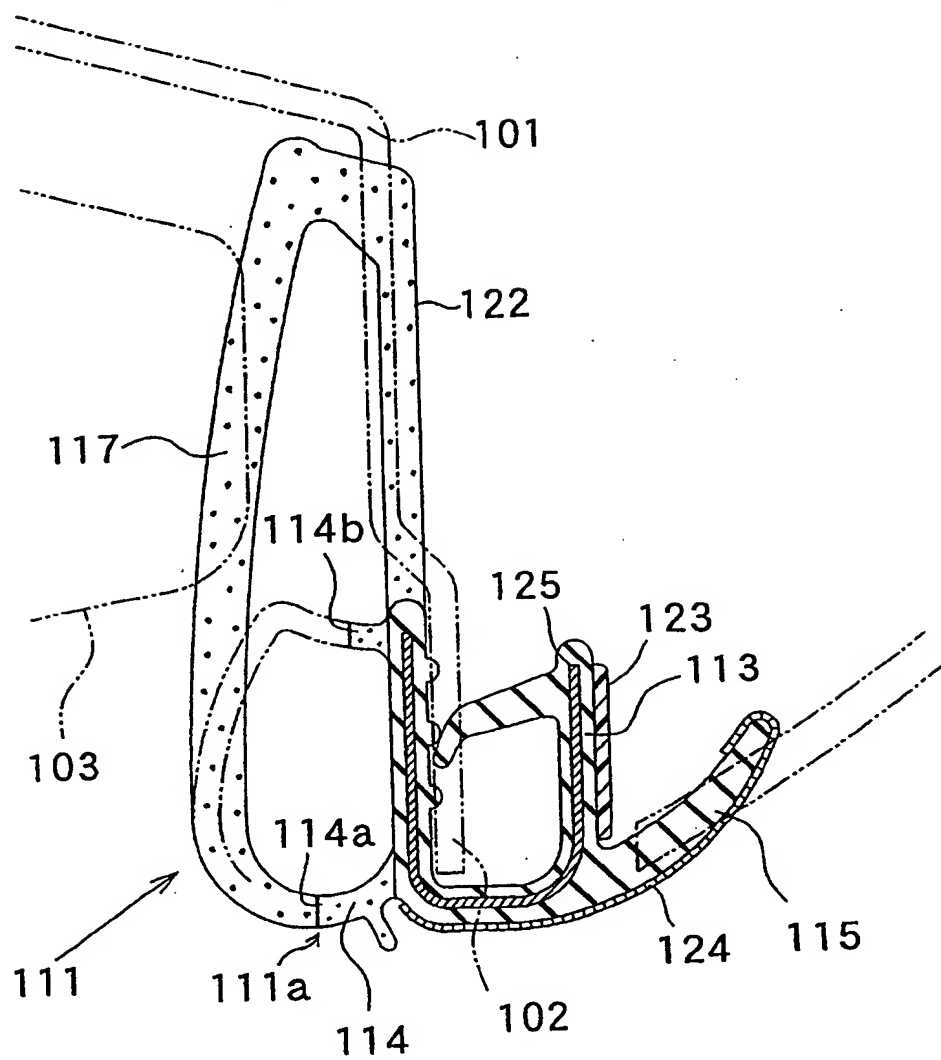


FIG. 29

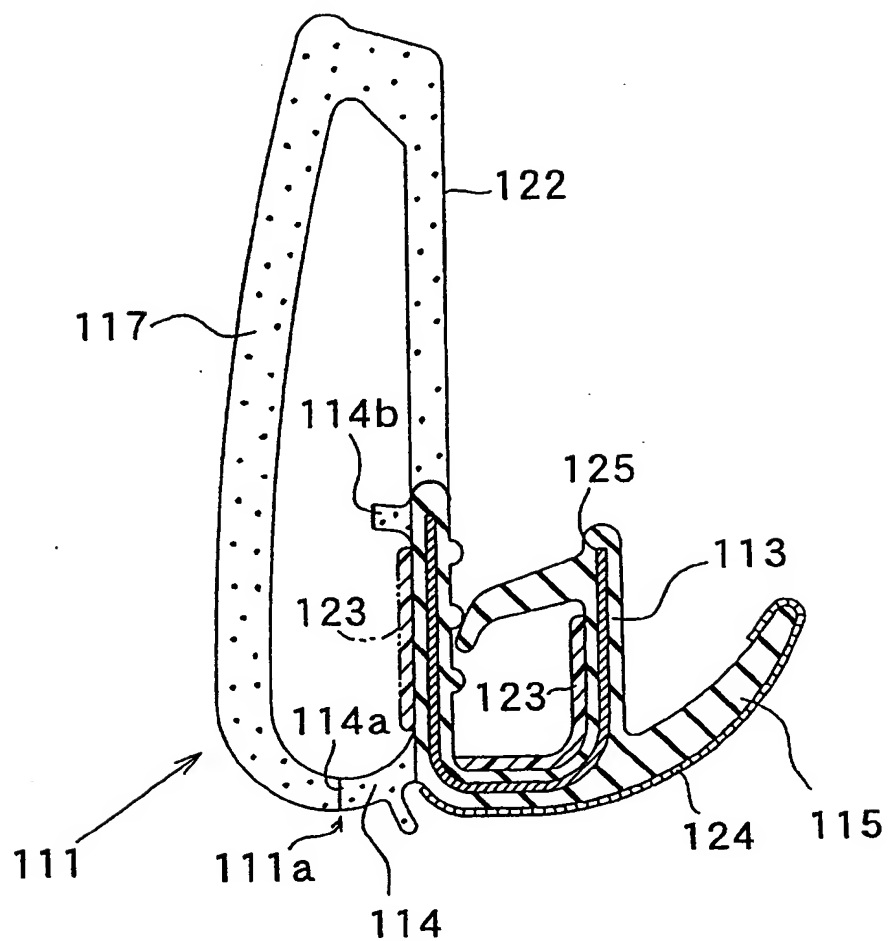


FIG. 30

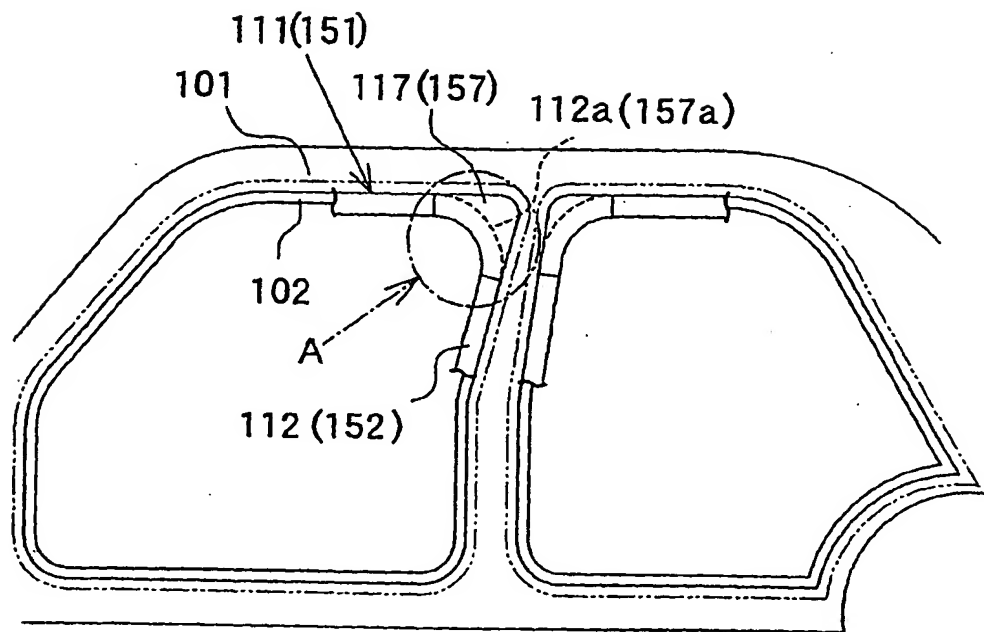


FIG. 32

PRIOR ART

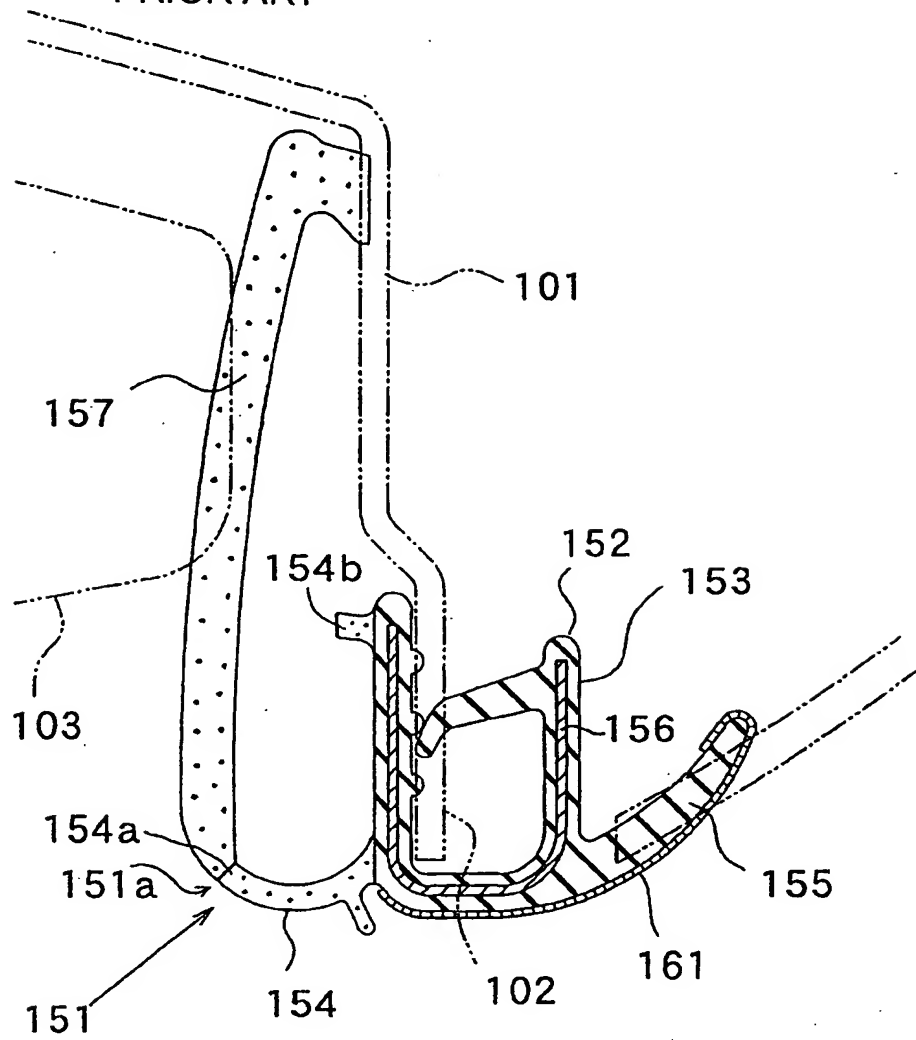
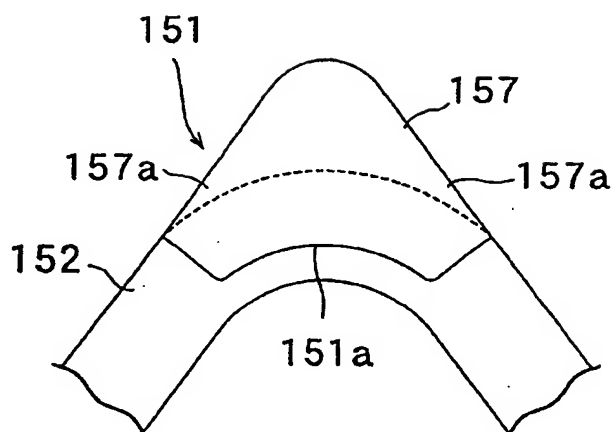


FIG. 33

PRIOR ART

**FIG. 34**

PRIOR ART

